

5
THE REPUBLIC OF UGANDA

IN THE COURT OF APPEAL OF UGANDA HOLDEN AT ARUA

[Coram: Barishaki, Mugenyi & Gashirabake, JJA]

CRIMINAL APPEAL NO. 027 OF 2017

(Arising from Criminal Case No. 0141 of 2006)

10 **BETWEEN**

- 1. OMIRAMBE JIMMY**
2. OYENY EMMANUEL
3. OMIRAMBE DAVID. APPELLANTS

AND

15 **UGANDA RESPONDENT.**

[Arising from the decision of STEPHEN MUBIRU, J of the High Court of Uganda sitting at Arua in Criminal Case No.0141 of 2006 dated 24th January 2017]

20 **JUDGMENT OF COURT.**

Introduction.

The Appellants and others at large on the 15th August 2015 at Angaba Lower village in Zombo District allegedly willingly and unlawfully robbed Ocan Wilson of six goats and one pig valued at UGX 600, 000/= and robbed Warom Charles of a pair of shoes and T-shirt worth Shs. 38,000/=. In both cases the
25 accused, immediately before or after the said robbery threatened to use a deadly weapon to wit bows, and arrows on each of the named victim and set fire to the house of Okumu Malisaters, the house of Jawiambwe Moses, the house of Obemu Albert, the house of Otwing – Cwinyi Albert, the house of Ocan Wilson,
30 the house of Afoyocan Maurine and the house of Warom Charles.



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5 When the above events took place, the complainants were in the garden about 60-70 meters from their houses. They were attacked by a group of around thirty people who included the accused, blowing horns making a lot of noise and armed with bows, arrows and pangas. The group was led by a one Naal. They insulted the witnesses, set fire to PW2's house, the houses of Obengu, Otwing – Cwiny,
10 Jawiambe Moses and many other people. They shot arrows at them and one of the arrows struck Warom Charles in the chest. PW2 saw A2 unfetter his goats and a pig and took them away. He again saw A1 attack PW3 with a panga.

In their defence, the Appellants denied the allegations labelled against them with A1 stating that he was attending prayers that day and later passed time at the
15 trading centre. That he only learned about the incident when he was arrested at around 5:00 pm saying that Angaba was the one falsely accusing them of having been involved in the fight. A2 stated that he was arrested at around 5:00pm. He had spent part of the day in his garden burning charcoal and for the case of A3, he stated that he was arrested when he had gone to his in-law to see the land
20 which had been given to her and in course of asking for directions he was arrested at around mid-day, being a stranger in the area

The Appellants, were convicted on 2 counts of aggravated robbery contrary to Section 285 and 286(2) and 7 counts of Arson contrary to Section 237 (a) of the Penal code act cap 120 by the High Court of Uganda sitting at Arua and
25 subsequently sentenced to 28 years and 6 months imprisonment in respect of count 1 and count 2 and 5 years imprisonment for counts 4, 5, 6, 7, 9 respectively. Dissatisfied with the decision of the trial Court the Appellants filed an appeal in this court on grounds that:



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