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**THE REPUBLIC OF UGANDA**  
**IN THE COURT OF APPEAL OF UGANDA AT MBALE**  
**CRIMINAL APPEAL NO. 0142 OF 2018**

*(Coram: Obura, Bamugemereire & Madrama, JJA)*

**ORONI BASIL} ..... APPELLANT**

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**VERSUS**

**UGANDA} ..... RESPONDENT**

*(Appeal from the decision of the High Court of Uganda at Mbale in Criminal Session Case No 0177 of 2014 before Batema J delivered on 13<sup>th</sup> December, 2016)*

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**JUDGMENT OF COURT**

The appellant was charged with three counts of the offence of aggravated defilements of 3 girls of minority age contrary to section 129 (3) and (4) of the Penal Code Act. The appellant was charged on three counts of aggravated defilement the particulars of which were that the appellant on 17<sup>th</sup> July 2014 at Agolotom Village in Kumi district performed a sexual act on AJ, a girl aged five years when he was HIV-positive. On the second count, the appellant was charged with aggravated defilement and the particulars were that on 17<sup>th</sup> July 2014 at Agolotom Village in Kumi district the appellant performed a sexual act on one AV, a girl aged four years when he was HIV positive. On the third count, the appellant was charged with aggravated defilement the particulars of which were that on the 17<sup>th</sup> of July 2014 at Agolotom Village in Kumi district the appellant performed a sexual act on ALS, a girl aged seven years when he was HIV positive.

The prosecution and the appellant executed a plea bargain agreement whereupon the appellant pleaded guilty and was sentenced to 21 years' imprisonment on each count.

The appellant was aggrieved by the sentences impose on him and he appealed to this court, with the leave of court under section 132 (1) (b) of the Trial of Indictment Act, cap 23 against sentence only on the grounds that:

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