

**THE REPUBLIC OF UGANDA
IN THE COURT OF APPEAL OF UGANDA AT MBARARA**

(Coram: Muzamiru M. Kibeedi, Christopher Gashirabake
& Eva K. Luswata, JJA)

CRIMINAL APPEAL NO. 644, 650, 651 & 652 OF 2015

BETWEEN

- 1. TURAMUREEBA LEVI**
- 2. MUSIMENTA ISAC**
- 3. BYAKATONDA LAWRENCE**
- 4. TUSHABE DAVIS :::::::::::::::::::::::::::::::::::::::APPELLANTS**

AND

UGANDA ::::::::::::::::::::::::::::::::::::::: RESPONDENT

**[Appeal from the Judgment of the High Court sitting at
Kabale in Criminal Session HCT-11-00-CR-CSC-079-2013
delivered by Hon. Justice Michael Elubu delivered on the 6th
August,2014]**

JUDGMENT OF THE COURT

Introduction

1] The appellants were charged with the offence of aggravated robbery contrary to Section 285 & 286 (2) of the Penal Code Act.

Muzamiru M. Kibeedi

CDM ELK

5 They were sentenced to 16 years and 6 months' imprisonment for
A1, A2 and A4, and 15 years' imprisonment for A3. It was stated
in the indictment that Tushabe Davis, Musimenta Isaac,
Turyamureba Levi and others still at large on the 8th day of
November 2010 at about 22:50 hours at Malengo cell Katuna
10 boarder in Kabale District, did rob Bwabuhe Michael Ugx
200,000,000/= and at or immediately before or immediately after
the said robbery, threatened to use a deadly weapon, to wit, AK
47 SMG S/NO.48007472 and caused grievous harm to the said
victim.

15 2] The facts as discerned from the Judgment are that on the 8th day
of November 2010 at about 10:00 p.m, PW1, Bwabuhe Michael,
who worked as a money changer at the Katuna boarder was
returning home in the company of PW2, Ruhangarinda Prime who
20 was also a money changer at the border. Bwabuhe was carrying a
bag containing 200,000,000/= (Two Hundred Million Shillings)
while Ruhangarinda Prime had Ugx 11,800,000/= (Eleven Million
Eight Hundred Thousand Shillings). They had counted this money
at the close of business before they left for home. When PW1 and
25 PW2 were about to get to the gate of their home, they were
suddenly accosted by two men, one armed with a gun and another
with a panga. They pointed the gun at PW1 and PW2.

30 3] PW1 tried to run and the one armed with a gun fired one shot and
PW1 fell down. The man armed with a panga hit PW2,
Ruhangarinda Prime on the head with a panga. The robbers made
off with all the money that PW1 and PW2 had in their possession.

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