

**THE REPUBLIC OF UGANDA
IN THE COURT OF APPEAL OF UGANDA
CRIMINAL APPEAL No.096 OF 2018**

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

JAMES KAMOTI ::::::::::::::::::::::::::::::::::: APPELLANT

VERSUS

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

*(Appeal from the decision of Suzan Okalany J, in the High Court of
Uganda dated 8th August 2018 at Mbale)*

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*Criminal Law – 2 counts of Aggravated Defilement C/s
129(3), (4)(a) of The Penal Code Act- Harsh and Excessive
Sentence*

*Evidence Law- Contradictions and Inconsistencies in
Evidence, Alibi*

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JUDGMENT OF THE COURT

Introduction

The appellant **James Kamoti** was indicted on 3 Counts of
Aggravated Defilement where he was alleged to have defiled
25 2-year-old **RM**, 5-year-old **IN** and 4-year-old **AKN**, contrary
to section 129(3), (4)(a) of the Penal Code Act. He was
subsequently acquitted of Count No. 2 but was convicted on
Counts No.1 and No.3. He was sentenced to 45 years and 9
months imprisonment on each count to run concurrently. The
30 reason for this appeal was that the appellant was dissatisfied
with both the conviction and sentence.