

THE REPUBLIC OF UGANDA
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA
CONSTITUTIONAL PETITION NO. 07 OF 2015

1. FLORENCE ODWE
2. NAMAZZI JUSTINE } PETITIONERS

VERSUS

1. ATTORNEY GENERAL
2. KYAGALANYI COFFEE LTD
3. JATI KO THOMAS
4. JOSHUA MUWANGA
5. OKURUT STEPHEN } RESPONDENTS

CORAM: HON. MR. JUSTICE RICHARD BUTEERA, DCJ
HON. MR. JUSTICE GEOFFREY KIRYABWIRE, JCC
HON. LADY JUSTICE IRENE MULYAGONJA, JCC
HON. LADY JUSTICE MONICA K. MUGENYI, JCC
HON. MR. JUSTICE OSCAR KIHAIKA, JCC



JUDGMENT OF HON. MR. JUSTICE GEOFFREY KIRYABWIRE, JCC

Introduction

This Petition was brought under Article 137(3) of the Constitution of the Republic of Uganda challenging certain provisions of the Penal Code Act, (Cap 120) and the Anti-Corruption Act, 2009.

Background to the Petition

The first and second Petitioners are former employees of the second Respondent Company which had accused the Petitioners of stealing company money. The Petitioners were arrested on 22nd December, 2012 while they were at their former place of work. The first Petitioner was charged with the offence of Embezzlement and Causing Financial Loss while the second Petitioner was charged with the offence of Causing Financial Loss. The Petitioners were released on Police Bond on the day of arrest. An amended Charge dated 18th September 2014 was thereafter presented before the Court which reflected that the Petitioners had been charged with different offences of Fraudulent False Accounting contrary to Section 23(b) of the Anti- Corruption Act, 2009 and Fraudulent False Accounting contrary to Section 325 of the Penal Code Act.

Subsequently, another amended Charge sheet dated 17th November, 2014 was filed in Court and it reflected that the Petitioners and another Katugga Lawrence had been charged with the offences of Conspiracy to Commit a Felony contrary to Section 390 of the Penal Code Act, Theft contrary to Sections 254 and 261 of the Penal Code Act and Fraudulent False Accounting contrary to Section 23(b) of the Anti-Corruption Act.