

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT MBARARA

HCT-05-CR-CN-0065-2002

(Arising from BUS 0244-2002)

KANJUNIRWEAPPELLANT

- vs -

UGANDARESPONDENT

BEFORE: THE HON. JUSTICE P. K. MUGAMBA

JUDGMENT

The appellant was charged with the offence of causing grievous harm, contrary to section 212 of the Penal Code Act. On 1st November 2002 the Grade I Magistrate at Bushenyi convicted the appellant of assault occasioning actual bodily harm contrary to section 228 of the Penal Code Act and sentenced him to two years' imprisonment. The memorandum of appeal comprised three grounds but on appeal counsel for the appellant elected to argue only one ground which stated that the trial Magistrate failed judicially to evaluate the evidence on record and consequently came to a wrong decision. Counsel argued that the trial Magistrate should have taken the outstanding grudge between appellant herein and the complainant into account. Respectfully I note that the trial magistrate did doubtless note that a dispute existed between the two persons but, correctly in my view, the learned Magistrate did not allow this state of affairs to blur his finding that an offence had been committed by the appellant. I find nowhere in the judgment cause to fault the trial court's evaluation of the evidence, not to mention that it arrived at a correct decision.

In the circumstances I find no reason why I should disturb the judgment of the trial court and I dismiss this appeal.

P. K. Mugamba

Judge

20th March 2003

Ms Lydia Ahimbisibwe for applicant

Mr. Ahimbisibwe State Attorney

Applicant in court

Ms Tushemereirwe court clerk

Court:

Judgment read in court.

P. K. Mugamba

Judge