

Considerations.

That the Respondent was charged under the East African Community Customs Management Act 2004 and not the Tobacco Control Act is common cause. It should therefore be understood that the plea agreement and resultant court order solely related to offences under the East African Community Customs Management Act 2004.

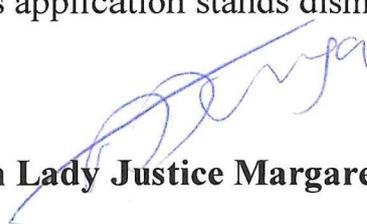
For the Applicant to seek to have the court order revised on grounds that the importation of the goods offended the Tobacco Control Act, or that the respondent is suspected to have committed an offence under a different law is not legally sustainable.

Were this court to grant the application, the respondent will not have been availed an opportunity to make presentations relating to the Applicant's assertions, or even plead to other offences other than those which were the subject of the plea bargain. This would be tantamount to convicting him unheard.

If the Applicant believes that there are other remedies accruing to them or other prosecutable offences relating to the same goods, since the terms of plea agreement don't seem to rule out the commencement of a separate legal process, subject of course to various legal challenges they are at liberty to pursue that option.

Conclusion.

This application stands dismissed for want of merit.



Hon Lady Justice Margaret Tibulya.

17 July 2023.