

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA**  
**HOLDEN AT MBALE**  
**HCT-04-CR-SC-0170-2002**

**UGANDA.....PROSECUTOR**

**VERSUS**

**A.1 RA 143905 PTE NTENDE JAMES**

**A.2 HIIRE AHAMED KAJAMIT**

**A.3 WAISWA ADAM alias KAGENDE KADDE**

**A.4 BAKER KIGENYI**

**A.5 TWAHA NJAYE**

**A.6 MPANDE DAVID alias ABUBAKER SEGUYA NYALURU**

**A.7 WASWA KALINAKI alias NASURU WABUYA**

**A.8 MUTWALIBU MAGOMU.....ACCUSED**

**BEFORE: THE HON MR. JUSTICE RUGADYA-ATWOKI**

**RULING**

**The 5 accused were charged with robbery. They all denied the charges.**

Prosecution called 2 witnesses and upon failing to secure any other, closed its case. I was asked to find that a case was made out in respect of A.I for unlawful possession of firearms and government stores.

For a no case to answer to be upheld, it must be shown that the prosecution evidence is so discredited through cross-examination or is so totally unreliable that no reasonable tribunal would convict upon the same if accused offered no defence. That is exactly the position in this case. The prosecution evidence is so totally unreliable that if any of the 5 accused was to offer no evidence, this court would not convict them.

In the circumstances I find that no case has been made out to require any of these accused to make their defence.

Under S. 71(1) TID, a finding of not guilty is entered. I hereby discharge them and they are to be set free and at liberty unless they are held on other lawful charges.

I so order.

**RUGADYA-ATWOKI**

**JUDGE**

**27/2/2003**