



**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA HOLDEN AT MASINDI**  
**CRIMINAL CASE NO. 0131 OF 2011**

**UGANDA :: PROSECUTOR**

**VERSUS**

**ALIJUNA MATIA & ANOTHER :: ACCUSED**

**RULING**

**BEFORE HON. JUSTICE MR. RALPH W. OCHAN – RESIDENT JUDGE**

Alijuna Matia (A1) and Tweheyo Semei (A2) were indicted on the charge of manslaughter contrary to section 187(1) and 190 of the Penal Code Act.

Prosecution alleges that the two accused persons together with one Turyamureeba Amos who pleaded guilty in an earlier trial and was sentenced to 7 years, and in the company of others still at large during the night of 16<sup>th</sup> October 2010 at Mburamaizi village in Kibaale District caused unlawful death of Natukunda Seprian.

The accused persons denied the charge. Court accordingly entered a plea of not guilty. A full trial followed.

**Ingredients of the offence**

The ingredients of the offence of manslaughter are;

1. death of a human being
2. unlawful causation of death

3. participation of the accused persons in causing the said death

**Burden of proof;**

The burden of proving the 3 ingredients above to the standards laid down in the law, rests squarely on the prosecution. They must prove the ingredients beyond reasonable doubt.

To discharge this burden prosecution adduced evidence from the following witnesses:-

1. PW1 – Dr. Edward Sabiiti, a Medical Officer, Kagadi Hospital, he carried out a postmortem examination report on the body of the deceased Natukunda Seprian on the 17<sup>th</sup> October 2010. He established the cause of death to be internal hemorrhagic accompanied by hemorrhage hypoxicide.
2. PW2 – Mugisa Moses, a Clinical Officer, Kagadi Hospital. He examined both accused persons and found them to be of sound mental status.
3. PW3 – Amos Turyamureba

I conducted a preliminary hearing at which the evidence of the two witnesses were admitted in evidence under section 66 of the TIA. In the circumstances, I was entitled to presume that there was death of a human being, on the evidence of Dr. Edward Sabiiti. The first ingredient of the offence, I therefore found was proved to the standard laid down in the law.

unlawful causation of the death; all death of human beings in Uganda are presumed to be unlawful except where such death is caused accidentally, under extreme provocation, in defence of self and/or property or in execution of a lawful sentence.

Prosecution relied on the evidence of PW1 Dr. Edward Sabiiti who in his postmortem examination report concluded that the death of Natukunda Seprian was caused by the rupture of internal organs leading to internal hemorrhage resulting in death.

On this evidence I find and hold that the death of Natukunda Seprian was caused by an unlawful act. This death does not fall in the category of homicide excusable in law above. In the circumstances, I find that this ingredient has been proved beyond reasonable doubt.

Participation of the accused persons:- On the evidence on record, Prosecution has failed to make out a prima facie case of participation in the commission of the offence, against the accused persons A1 and A2.

In the circumstances, I find the accused persons have no case to answer. I accordingly acquit them and order their immediate release from custody.

**SIGNED**

**JUSTICE RALPH W. OCHAN**

**10<sup>TH</sup> SEPTEMBER 2013**