

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT SOROTI**  
**CRIMINAL SESSION CASE NO. 8 OF 2011**  
**UGANDA V ARUKOR SIPIRIANO**

**JUDGMENT BEFORE HON. LADY JUSTICE HENRIETTA WOLAYO**

The accused person in this case is charged with aggravated defilement c/s 123 of the penal code. It is alleged that the accused person on 25<sup>th</sup> June 2010 at Obulengerok village, Katakwi district unlawfully performed a sexual act on Agwang Josephine a girl aged 2 years.

Prosecution was led by Mr. Jonathan Okello State Attorney while Mr. Ewatu represented the accused on state brief. Assessors were Mr. Oporemo and Ms Amaso.

Prosecution had a duty to prove that commission of the offence beyond reasonable doubt.

**Proof of defilement**

Both counsel admitted by consent medical evidence contained in PF3 that showed the victim was aged 2 years and a half, there was penetration and the hymen had been broken 24 hours prior to the examination that took place on 26<sup>th</sup> June 2010. Prosecution therefore proved that defilement did take place.

**Participation**

PW1 Amongin Florence and mother of the victim testified that on 25<sup>th</sup> June 2010, accused person who is her grandfather came to her home to take shelter from the rain. When the rain subsided, PW1 went out to collect firewood leaving behind the accused person, her 2 year old daughter under the care of Anuken.

On her return, she found the child screaming and bleeding from her private parts and accused person had left. PW1 reported to the LC1 Chairman Oswait

John Robert, now deceased, and he referred her to Okudam police post. The child was examined at Katakwi Health Centre IV.

I believe the testimony of PW1 .

Although corroboration in sexual offences is no longer a strict requirement, in this case corroboration is necessary as the evidence of PW1 is circumstantial. The fact that the accused was the male person near the child when the mother left the child with a minder is corroborated by the medical evidence in PF3 that the child was sexually violated.

Pw1 informed court that the child died on 18<sup>th</sup> September 2010.

The accused made an unsworn statement in which he denied committing the offence.

I am in agreement with the two assessors that the accused defiled the child. accordingly, the prosecution has proved beyond reasonable doubt that the accused person defiled the child and he is convicted of aggravated defilement c/s 129(4) of the penal code.

**DATED AT SOROTI THIS 01<sup>st</sup> DAY OF NOVEMBER 2013.**

**HON. LADY JUSTICE H. WOLAYO**