

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT JINJA**

CRIMINAL APPEAL NO. 020 OF 2011

5 (Arising from Criminal Case No. 070/2009 – Kayunga)

SETTI

MADINA ::

APPELLANT

10

VERSUS

UGANDA ::

:::::RESPONDENT

15

BEFORE: THE HON. JUSTICE GODFREY NAMUNDI

JUDGMENT

20

This is an Appeal against the Judgment of the Magistrate Grade 1, Mr. Kagoda-Ntende in which he convicted the Appellant on six Counts for Forgery and six Counts of Uttering False Documents. He sentenced her to pay a fine of Shs.600,000/- on all the first six Counts and 6 months custodial sentence on the other Counts.

25

The Appeal is against both conviction and sentence.

1. Ground No. 1 is that the trial magistrate erred in law and fact when he failed to evaluate the evidence on record and reached a wrong decision.

5 2. Ground No. 2: That the trial magistrate erred in law and fact when she sentenced the Appellant to a fine and custodial sentence.

The Appellant's Counsel faults the magistrate that the
10 prosecution witnesses did not clearly identify A2 as the person who forged and uttered the Appointment Letters to the victims.

Secondly, that the specimen signatures sent to the
15 handwriting expert did not include that of the Appellant to establish whether she forged the handwritings and signatures. That the Report showed that the same were forged but did not show that the Appellant was involved in the said utterances.

20

Thirdly, that there was no single victim who came to testify against the Appellant.

That a key witness Ibanda failed to implicate the Appellant
25 and that a search at the Appellant's home revealed nothing.

That as a result of the above, the conviction and sentence should be quashed and sentence set aside.

- 5 There was no specific submission on Ground No. 2.

For the prosecution, it was submitted that the magistrate properly evaluated the evidence. The Appellant was clearly identified and A1 also identified her as a work mate.

10

A2 was also implicated when she sought Shs.200,000/- for each document.

15 A trap was set and it led to her with her phone bearing messages that implicated her.

On sentence, the prosecution submits that the sentences were very lenient compared to the maximum of 10 years on each Count.

20

Considering the evidence, it is clear that the magistrate clearly dealt with the ingredients of each offence and found that each ingredient was properly proved to the necessary standards.

25

The evidence also reveals that there was a lot of circumstantial evidence that led to the conclusion of guilt on part of the Appellant. Circumstantial evidence has been dealt with in various authorities.

5

In **Akba Godi Vrs. Uganda Criminal Appeal No. 21/20.....**, it was held that circumstantial evidence is often the best evidence.

10 Further, circumstantial evidence is that which when properly considered leads to no other conclusion other than that of guilt in the absence of any exculpatory circumstances.

I find none in the instant case. The Appellant was master of
15 a racket in her office that forged appointment and posting letters which together with A1 they would sell to gullible and desperate job seekers.

I find that the appeal has no merits.

20

The offences were properly proved to the required standards. It is dismissed accordingly and the conviction and sentence by the trial Court are maintained and confirmed.

25

Godfrey Namundi

JUDGE

01/04/2015

5

01/04/2015:

Appellant absent

10 Birungi for State

Court: Judgment read.

15

Godfrey Namundi

JUDGE

01/04/2015