

THE REPUBLIC OF UGANDA
IN THE HIGH COURT IN UGANDA AT FORT PORTAL
HCT – 01 – CR – CS – 0040 OF 2014

UGANDA.....PROSECUTOR

VERSUS

AGABA RICHARD }
MWETONDE ERIAS }.....**ACCUSED**

BEFORE: HIS LORDSHIP HON. JUSTICE OYUKO. ANTHONY OJOK, JUDGE.

SENTENCING AND REASONS

The accused were indicted with Aggravated Robbery Contrary to **Section 285 and 286(2)** of the Penal Code Act. It was alleged that on 17th August 2013 at Kyakapeche Village in Kyenjojo District the accused robbed Beinomugisha Atha a Motorcycle Reg. No. UEA 840H and at or immediately before or immediately after the time of the said robbery was in possession of a deadly weapon to wit a hammer and a rope.

The accused at arraignment denied the offence however as the full trial was proceeding and the Principal had testified they changed their pleas and pleaded guilty to the offence.

The accused were therefore convicted on their own plea of guilty.

The victim was hit on the head several times but was lucky and survived though his Motorcycle was stolen. He had saved up for it for 3 years and had hardly used it for 2 months. Due to the offence he can no longer do anything for himself due to the pain that is due to the actions of the accused.

Prosecution prayed for 30 years and compensation to the victim.

On allocutus Counsel on state brief prayed for a lenient sentence, that the accused were remorseful and young men and therefore 30 years would prohibit the accused from expressing their remorsefulness and prayed for 10 years. She also prayed that Court puts into consideration the time spent on remand and the fact that A1 is sickly.

The offence of Aggravated Robbery is a serious offence and carries death as a maximum sentence. The accused think that they saved Courts time by pleading guilty mid trial; however, this is not the case. This Court had already incurred expenses which it would have otherwise avoided all together if the accused had pleaded guilty from the very beginning. This is therefore, to encourage offenders to plead guilty from the very beginning if they know they committed the offence to save Court's time. That notwithstanding the accused are first

offenders young and capable of reform but the offence they committed is rampant and of a very serious nature.

I accordingly, sentence A1 and A2 to 21 years each due to the gravity of the offence and also to deter the other would be offenders who should pick a leaf and not think of committing the same. I have put into consideration the 4 years spent by the accused on remand.

Right of appeal explained.

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OYUKO. ANTHONY OJOK

JUDGE

15/11/16