

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA**  
**HOLDEN AT SOROTI**  
**HCT-09-CR-SC-0062 OF 2016**

**UGANDA:.....PROSECUTION**

**VERSUS**

**EKWERE SIMON PETER & ANOTHER:.....ACCUSED**

**BEFORE HIS LORDSHIP HON. MR. JUSTICE BATEMA N.D.A, JUDGE**

**Ruling**

This is a matter where the two accused were charged with Murder C/S 188 and 189 of the Penal Code Act. It was alleged that Ekwere Simon Peter and Acam Florence Betty alias Akia on the 11<sup>th</sup> day of July 2011 at Kamacha in the Bukedea district murdered Emorut Andrew.

The evidence adduced in Court shows that the deceased Emorut was an orphan suffering from epilepsy. He often would fall down with attacks of epilepsy. He was involved in two violent fights before his death but did not get proper medical care.

At one time he was badly beaten at a disco event. The last is when he had a fight with the two accused relatives. Both accused assaulted him on the hand using a stick used to drive oxen.

On 14/8/2011, a month later, the deceased fell sick and died.

In the absence of a post mortem or medical report to tell us the cause of death, this Court is unable to conclude that it is the acts of the accused that caused Emorut's death.

Prosecution has failed to establish any prima-facie case against the accused to require them to be put on their defence.

The accused have no case to answer on these charges of Murder. They are both acquitted and set free.

**Judge**  
**28/4/2017**