

IN THE SUPREME COURT OF UGANDA  
AT MENGO  
(CORAM: MANYINDO D.C.J., ODER. J.S.C, & PLATT. J.S.C.)

CRIMINAL APPEAL 7/86

BETWEEN

JOSEPH WAKHATA ::: APPELLANT

AND

UGANDA ::: RESPONDENT

(Appeal from the decision of the High Court  
at Mbale (Mr. Justice A.O.Ouma) dated 18th  
August 1986 in H.C.CR.SS.C. NO. 93 of 1983)

JUDGEMENT OF THE COURT

We think that the learned Principal State Attorney has taken the correct course in not supporting the conviction.

The evidence of PW3 and PW4 on identification of the attackers was very weak and suspect. The statement of Bukuma should not have been admitted in evidence at all. It is rather remarkable that the learned trial Judge took over a year to decide on the matter.

In the result we allow this appeal, quash the conviction and set aside the sentence. The appellant is to be released from custody now unless he is being held for other reasons.

DATED AT MENGO THIS 26<sup>th</sup> DAY OF JULY, 1989

S.T. MANYINDO  
DY. CHIEF JUSTICE

A.H.O. ODER  
JUSTICE OF THE SUPREME COURT

H.G. PLATT  
JUSTICE OF THE SUPREME COURT

I CERTIFY THAT THIS IS TRUE  
COPY OF THE ORIGINAL.

B.F.B. BABIGUMIRA  
REGISTRAR SUPREME COURT