

(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 week 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 26th 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