

THE REPUBLIC OF UGANDA

IN THE SUPREME COURT OF UGANDA AT MENGO

CRIMINAL APPEAL NO. 1 OF 2001

BETWEEN

ATYAM PATRICK].....
BABU SAMUEL].....APPELLANTS

AND

UGANDA.....RESPONDENT

**CORAM: TSEKOOKO, KAROKORA, MULENGA, KANYEIHAMBA AND KATO;
JSC.**

[Appeal from the decision of the Court of Appeal at Kampala, (Mpagi- Bahigeine, G.M. Okello, and M.P. Twinomujuni, J.J.A.) dated 2 February, 2001]

JUDGMENT

The Appellants were tried for and convicted by the High Court of murder of one Omara. Their appeal to the Court of Appeal was dismissed. They appealed to this court on only one ground, namely that the key witness, Ebong Moses (P.W.I) could not have identified the attackers' of the deceased.

We have studied the record. We have considered submissions of Ms Musoke, counsel for Appellants, and those of M. Elubu, Principal State Attorney.

In our view there was sufficient evidence to show that P.W.I was in a position to positively identify the attackers of the deceased and the witness himself. We find no merit in the appeal. The same is dismissed.

Dated this 16th day of July, 2002.

J.W.N. Tsekooko
JUSTICE OF THE SUPREME COURT

A.N. Karokora
JUSTICE OF THE SUPREME COURT

A.N. Mulenga
JUSTICE OF THE SUPREME COURT

G.W. Kanyeihamba
JUSTICE OF THE SUPREME COURT

C.M. Kato
JUSTICE OF THE SUPREME COURT