

**THE REPUBLIC OF UGANDA**  
**IN THE SUPREME COURT OF UGANDA AT KAMPALA**

**Criminal Miscellaneous Application No. 05 of 2022**

**(Arising from Criminal Appeal No. 75 of 2021)**

**(Arising from Court of Appeal Criminal Appeal No. 317 of 2015)**

**Mugerwa Dominic .....1<sup>st</sup> Applicant**

**Muhwezi Abias .....2<sup>nd</sup> Applicant**

**Versus**

**Uganda (URA) .....Respondent**

**Ruling of Percy Night Tuhaise, JSC**

**(Single Justice)**

This application was brought under Articles 2 & 126 (2) of the Constitution of the Republic of Uganda, as amended; Section 132 (4) of Trial on Indictment Act Cap 23; Section 40 (2) of the Criminal Procedure Code Act; and Rules 6 (2) and 41 (1) & (2) of the (Supreme Court Rules), for orders that: -

1. The Applicants be released on bail pending the hearing and determination of Criminal Appeal No. 75 of 2021 before this Honourable Court.

The grounds of this application are contained in the Notice of Motion and in the affidavits in support of the application sworn by the respective Applicants, but briefly, are that: -

1. The Applicants were on 6<sup>th</sup> November 2015 convicted by the High Court Anti - Corruption Division of the offences of Abuse of Office contrary to Section 11 (1) of the Anti-Corruption Act 2009, Causing Financial Loss contrary to Section 20 (1) of the Anti-Corruption Act 2009, False claims by Officials contrary to Section 24 of the Anti-Corruption Act.
2. That the Applicants being dissatisfied and aggrieved with the conviction sentence orders, filed an Appeal in the Court of Appeal of Uganda *vide* Criminal Appeal No. 317 of 2015.
3. The Court of Appeal upheld the conviction for Abuse of office contrary to section 11 (1) of the Anti- Corruption Act 2009, Causing financial loss contrary to Section 20 (1) of the Anti-Corruption Act 2009, and False claims by officials contrary to Section 24 of the Anti- Corruption Act and also upheld the sentence of 5 years, 10 years and 2 years respectively and orders not to hold public offices for 10 years.
4. That the Applicants, appealed to this Honorable Court against the conviction and sentence under Criminal Appeal No. 75 of 2021 pending hearing and final determination.
5. That the Applicants are first offenders and the offences of abuse of office, causing financial loss and false claims by officials they were convicted of do not involve personal violence. RAT
6. That the Applicants' Appeal is not frivolous, or vexations, it has merits with great chances of success.
7. That the Applicants were granted bail at the High Court and Court of Appeal and throughout the trial and on Appeal, they