



THE REPUBLIC OF UGANDA

**THE COURT OF APPEAL OF UGANDA  
AT FORT PORTAL**

*(Coram: Egonda-Ntende; Bamugemeire & Mugenyi, JJA)*

**CRIMINAL APPEAL NO. 226 & 227 OF 2019**

1. ZOLEKA CHRISTOPHER
2. AROHO ISMAIL
3. KOBUSINGYE ALEXIA ..... APPELLANTS

**VERSUS**

**UGANDA ..... RESPONDENT**

**(Appeal from High Court of Uganda at Masindi (Bitature Mugenyi, J) in Criminal Case No. 60  
of 2019)**

## JUDGMENT OF THE COURT

1. Messrs. Christopher Zoleka and Ismail Aroho ('the First and Second Appellants') were on 10<sup>th</sup> July 2019 convicted on their own plea of guilt of murder contrary to sections 188 and 189 of the Penal Code Act, Cap. 120 and aggravated robbery contrary to sections 285 and 286(2) of the Penal Code Act. On the basis of their respective plea bargain agreements, the two appellants were sentenced to 30 years' imprisonment on each count, which sentences were to run concurrently, a sentence that they later challenged before this Court.
2. Ms. Alexia Kobusingye ('the Third Appellant') was subjected to a full trial for the offence of murder and was on 19<sup>th</sup> July 2019 sentenced to a custodial sentence of 50 years. She appealed her conviction and sentence.
3. On the 22<sup>nd</sup> January, 2024 judgment was delivered in the matter, whereby the Court upheld the Third Appellant's conviction and resented all the Appellants as follows.
  - I. The First and Second Appellants 30-year sentences were substituted with sentences of 26 years and nine months on each count, the sentence to run concurrently.
  - II. The Third Appellant's 50-year sentence was set aside and substituted with a 30-year term sentence, in respect of which the 3 years and 4 months spent on remand was to be taken into account.
4. The sentence in the final orders should therefore have been 26 years and 8 months but by arithmetical mistake erroneously read 24 years and 8 months. Rule 36(1) of the Judicature (Court of Appeal Rules) Directions, SI 13 – 10 provides for the correction of such errors as follows:

**A clerical or arithmetical mistake in any judgment of the court or any error arising in it from an accidental slip or omission may, at any time, whether before or after the judgment has been embodied in a decree, be corrected by the court concerned, either of its own motion or on the application of any interested person so as to give effect to what was the intention of the court when judgment was given.**

5. Consequently, to bring the final orders in this Appeal in conformity with the decision of the Court, the Court on its own motion hereby substitutes its final orders in **Criminal Appeal No. 226 & 227 of 2019** as delivered on 22<sup>nd</sup> January 2024 with the following orders in paragraph 6 below.

6. In the result, this Appeal partially succeeds with the following orders:

I. **The First and Second Appellants' sentences are hereby quashed and substituted with sentences of 26 years and 9 months on each count, the sentences to run concurrently.**

II. **The Third Appellant's conviction is upheld.**

III. **The sentence of 50 years' imprisonment handed down to the Third Appellant is hereby substituted with a sentence of 26 years and 8 months to run from the date of conviction.**

It is so ordered.

Dated and delivered at Kampala this <sup>5<sup>th</sup></sup>..... day of <sup>March</sup>....., 2024.



**Frederick M. S. Egonda-Ntende**

**Justice of Appeal**



**Catherine Bamugemereire**

**Justice of Appeal**

*Monica K. Mugenyi*

Monica K. Mugenyi

Justice of Appeal