

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA**

HOLDEN AT MBALE

HCT-04-CR-CR-0001-2012

(FROM SIRONKO CRIMINAL CASE NO. 225/2011)

(CRB NO. 100/2011)

UGANDA.....PROSECUTOR

VERSUS

NAMUGONGO JOBACCUSED

BEFORE: THE HON. MR. JUSTICE MUSOTA STEPHEN

ORDER IN REVISION

The brief record by the trial Magistrate shows that this was a mistrial and a travesty of justice. Criminal procedure and all the rules governing plea taking were flouted by the trial Magistrate (see *Adan v. R*).

Although the accused was present, nobody appeared for the prosecution.

The record does not indicate whether the charge was read and explained to the accused person.

The words used by the accused in the purported admission of the offence were not recorded.

Upon the purported plea of guilty, court did not find the accused guilty before convicting and sentencing him.

Since the State was not represented, court did not make any inquiry on the antecedents of the accused/convict.

Consequently, I will find that the trial of the accused was irregular. The decision and orders of the trial Magistrate are quashed and set aside.

A retrial is ordered before a properly constituted court if the Director Public Prosecutions deems it necessary.

I so order.

Stephen Musota

JUDGE

7.2.2012