

THE REPUBLIC OF UGANDA
IN THE SUPREME COURT OF UGANDA
AT MENGGO
(CORAM: MANYINDO D.C.J., ODER-J.S.C., TSEKOOKO, J.S.C.)

CRIMINAL APPEAL NO. 8/94

BETWEEN

ADAM OWONDA===== APPELLANT

AND

UGANDA===== RESPONDENT

(Appeal against conviction and sentence in the High Court at Kampala before (Hon. Egonda Ntende) on the 8th day of April, 1994)

IN

HIGH COURT CRIMINAL APPEAL NO. 323/93

JUDGMENT OF THE COURT:

The appellant was indicated in the High Court for aggravated robbery, contrary to Sections 272 and 273(2) of the Penal Code. He was acquitted of the charge but was convicted of the lesser offence of simple robbery, contrary to Sections 272 and 273 (1) of the Penal Code on the ground that the gun used in the robbery was not shown to be capable of releasing bullets. He was sentenced to 8 1/2 years imprisonment plus six strokes of the cane. He was also ordered to compensate the complainant in the sum of Shs.250,000/= and-to undergo police supervision of an unspecified period after his release from custody.

He appealed to this Court against the sentence only. Miss Diana Harriet Musoke who represented him on appeal argued that the sentence of 8 1/2 years imprisonment was manifestly excessive as the appellant was a first offender and had been on remand for 11/2 years.

We see no merit in the appeal. Robbery is serious offence. The offence in question carries a maximum of life imprisonment, which in this country is 20 years. The sentences in this type of case range from 8 to 14 years in the High Court. We see nothing wrong with the mandatory order for corporal punishment. However, we agree with Miss Musoke that the order for compensation cannot be justified in the circumstances of this case when all the stolen

properties were received by Police and returned to the complainant. As we pointed out in the recent case of *Kiiza and Nkonge v. Uganda*, Criminal Appeal No. 24/93 (unreported) the complainant can only be compensated for what he or she has lost in the robbery. We accordingly set aside the order for compensation. The order for police inquiry cannot be for an unlimited period. S. 123(1) of the Trial on Indictments Decreed provides that police supervision shall not exceed five years. The High Court usually limits it to 3 years. We order that the appellant under go police supervision for 3 years after his release from custody. The appeal is otherwise dismissed.

Dated at Mengo 18th day of November, 1994.

S.T. MANYINDO
DEPUTY CHIEF JUSTICE

A.H.O. ODER
JUSTICE OF THE SUPREME COURT

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

I CERTIFY THAT THIS IS A
TRUE COPY OF THE ORIGINAL,

W. MASALU MUSENE,
REGISTRAR, THE SUPREME COURT.