

IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)

AT DAR ES SALAAM

CRIMINAL SESSIONS CASE NO. 137 OF 2019

THE REPUBLIC

VERSUS

1. OBELT SEMO MWAKASANGA

2. REGAN ROMWALD KANJE

JUDGMENT

16th & 25th August, 2023

MWANGA, J.

The accused persons named above are facing charges of murder contrary to Sections 196 and 197 of the Penal Code, Cap. 16 R.E 2002. According to the charge sheet, the particulars of the offense show that the accused persons, on the 23rd day of December 2014, at the Morocco bus stand area within Kinondoni District in Dar es Salaam Region, murdered one **Glory Rock Marandu.**

The facts can be stated. On the fateful date, the 23rd day of December 2014, at noon, both the accused persons, while at the Kijitonyama area within Kinondoni District, saw Ms. Nuru Patrick Mwakitwange(PW5) at CRDB Bank located in the area withdrawing some cash at the Bank. Nuru Patrick Mwakitwange observed the 1st accused person busy talking over the phone. She became suspicious of the accused person's move. She decided to look for a bajaji transport to the Kariakoo area. However, she missed it. Then, she decided to board daladala. Still, PW5 saw the 1st accused enter the same daladala at the front door. PW5 also managed to see the 2nd accused person following the said daladala from behind while on the motorcycle, Boxer type.

Upon reaching the Morrocco bus stand, PW5 shortened her trip and stepped out from daladala. It followed that the 1st accused person also dropped from the said daladala. According to PW5, suddenly, both accused persons appeared in front of her and threatened her with a pistol. The 1st accused was holding a pistol. They ordered her to hand over the wallet with cash. She immediately threw it at them. The 1st accused began to run towards the 2nd accused person, who had parked his motorcycle. Instantly, Nuru Patrick Mwakitwange raised an alarm for help. The deceased, who was at the scene of the crime crossing on the other side of the road with PW5,

appeared and took hold of the first accused person from running away. However, the 1st accused pushed the deceased aside, who fell on the ground. After that, the deceased managed to get up from the ground, and the 1st accused with a gun shot her in the head. Subsequently, the 1st accused person ran to where the 2nd accused parked his motorcycle, and both ran away.

The matter was reported to Osterbay Police Station. Still, the victim died while receiving treatment at Muhimbili National Hospital, where the postmortem examination was conducted, and the doctor established that the cause of death was due to severe brain injury and hemorrhagic shock due to a head bullet wound.

Given the above, the accused persons were arrested on different occasions and arraigned in court. To prove the charge against the accused persons, the prosecution produced seven witnesses (7) and three exhibits. PW1 was Prof. **Amos Rodger Mwakigonja**. He is a medical doctor dealing with the examination of deceased bodies. He is working at Muhimbili National Hospital with 20 years of experience. He testified that on 24th December 2014, at around noon, he was assigned a dead body to examine while on duty. The body was brought by the police **WP 4467 D/CPL Fatuma**

accompanied by two relatives, **Mwamizi Biita** and **Mugashe Makaka**, who identified the deceased as **Glory Rock Marandu**. As an expert, he examined the body and prepared a report, which was submitted to the police. According to him, the body had blood (wets) and injuries from the headshot. The injuries had an entry wound that shattered the skull. The entry wound was at the back of the head (occipital area). The deceased had excessive blood loss, and no other injuries appeared on the body. He conducted a postmodern examination of the deceased's body and established that the cause of death was severe traumatic brain injuries and hemorrhagic shock (excessive blood loss). Later, he prepared a postmortem report, which he identified by his handwriting, signature, and stamp of Muhimbili National Hospital. He tendered the same, and it was admitted and marked as **exhibit PE1**.

Moreover, PW2 was **Mugisha Mugara Makaka**, who identified the body of the deceased **Glory Rock Marandu** at the Muhimbili National Hospital. He testified that the deceased's body contained much blood on the head. When cross-examined, he reiterated his testimony in chief. He also added that he was not at the crime scene, but the deceased's body had much blood. He identified the deceased by face and did not know where she

was shot. According to PW3, on the fateful date, Mwanuhuzi Biita, a relative of the deceased, was called by **Rwegoshora Makaka**, who told him that his wife was shot. He went to the emergency room, where they found the deceased dead. He identified her and found bleeding on the right side of the head. Also, on 24th December 2019 at 12:30, they went to Muhimbili National Hospital and identified the body. On cross-examination, PW3 stated that his fellow staff, Dr. Mwakigonya, conducted the medical examination. PW4 was **F.5946 D/CPL Revocatus Hendry Namngoba**, who testified that, on 23rd December 2014 at noon, while at Kinondoni RCO's office, they were informed that an armed robbery occurred in Morocco. They visited a crime scene with **Coplo Beatus DC Fadhili and WP Jane**. While at the scene of the crime, they discovered that there was an incident of armed robbery and a woman was shot. They went there and interviewed people who were around and some of the police officers(informers). While interviewing people around, they were informed that the woman was dead. Therefore, their investigation focused on murder.

He also told the court that his interview revealed that the attackers were known. According to him, their informer said that one attacker was the 1st accused, **Obelt Mwakasanga**, who had an office in the Temeke area.

They were told that the other was a Bodaboda driver. On 23rd December 2019, they went straight to Temeke, Kwa Azizi Ally area. They found his office closed. On 4 January 2015, the informer informed them that the office was open. When they arrived in the evening, the office had already closed. On 5th January 2015, around 9:00 hrs, they went to the place and arrived at 13:00 or 13:45 hrs and saw the first accused, **Obelt Mwakasanga**, entering the office. It was his testimony that he knew him because he testified against him before. It was his testimony that the said **Obelt** begged them to enter the vehicle so that he could show other suspects who participated in the incident. They went straight to Osterbay Police Station for further investigation. According to him, the first accused, **Obelt Mawkasanga**, confessed to having committed the offence and mentioned his co-suspects. He mentioned **Lukeko, Dula**, and **Regan Romwald Kanje**, the 2nd accused. He called the 2nd accused, also identified as the bodaboda driver, and put the phone on the loudspeaker. The 2nd accused promised to call the following day, but he did not.

In an attempt to book the 2nd accused person, PW4 added that on 6th January 2015, the said 1st accused called him, promising that he would call back when he reached the Mbezi area. At around 13:30, while at Mwenge,

TRA, the 1st accused saw the 1st accused while driving a motorcycle. At the time, the 1st accused called the 2nd accused on his phone, which made him stop, and eventually, they managed to arrest him. The 2nd accused, after he had entered the car, told them to go to Mbezi Makonde to arrest another person in the name of **DULA**, who were together on the day of the incident.

On their way, the 2nd accused called Dula, who said he was at Mbezi Makonde. They did not find him, so they returned to the police station, where they informed the RCO and handed over the matter to the investigators.

While identifying the accused persons in court, PW4 told the court that in 2015, the 1st accused person was thick, black, tall, and light in color, "majji ya kunde."

On cross-examination, PW4 stated that he had known the 1st accused in 2008 as he had before testified against him. He said an identification parade was conducted, and the 1st accused was identified. He insisted that the informer told them the attackers had a gun/pistol; they shot in the air. He did not find any cartridge at the scene of the crime. There were police officers at the crime scene, but he did not remember their names. He did remember the results of the case in which he testified against the 1st accused. He concluded that he had no quarrels with the said 1st accused.

The star witness, so to say, was **Nuru Patrick Mwakitwange** (PW5). She told the court that, on 23rd December 2014, at around 11:00 HRS, she left her home on the way to the CRDB bank in the Kijitonyama area with the view to withdraw cash from the bank. After the withdrawal, she had a total of 4 500,000/=. On her way out of the bank, she met a young person who looked at her like he wanted to say something. When she missed bajaji transport, she decided to enter daladala. That young boy boarded the same daladala. He was swamped talking over the phone. PW5 chose to step out from the daladala at the Morocco bus stand. On her way to cross over the other side of the road, she met the deceased, who asked her to travel together. That deceased was at PW5's back. Soon after, she saw the accused persons in front of her. She recalled that, amongst the two boys, one followed her to the bank. They told her, "mbwa mkubwa we, tupe pesa." The 1st accused took out the pistol while the second accused commanded him to shoot in her leg. PW5 threw the wallet at them, which had cash and other items. The deceased, who was at the back, was shot. Then, the accused persons fired in the air to disperse people. When she raised an alarm, they told her to stop raising her voice. She went to the taxi driver for

help. They left the crime scene through a motorbike, making a boxer. The taxi driver sent her to Osterbay police station to report the matter.

PW5 identified the young boy who was following her to be black, fat/thick, neither tall nor short, and that he was the one who had a pistol. The other was light in color, "maji ya kunde," and thin. Their height was almost the same. She can identify them as she spent considerable time looking at them. She also placed them in the dock.

When cross-examined, PW5 told this court that it took about 10 minutes from the time she stepped out of the bus and the incidence of snatching the wallet occurred. She never turned back to look at the deceased. According to her, the accused persons fired randomly at the people, and it was when the deceased was shot. Consequently, they threatened people not to assist them. PW5 added that she recorded her statement at Osterbay Police Station, and her brain was very fresh during the recording. PW6 was **ASP Yombo Lumala Kamata**. He testified that on 8 January 2015, he supervised the identification parade. He paraded the two accused persons and ten people, some at the police station. The parade was conducted in the space surrounding the area. After that, he called witnesses to identify the suspect. The accused persons were told to choose the location to stand and

did the same. The 1st witness was **HAJI**, who passed both at the back and front. He identified both accused persons. After that, he instructed the accused to change his position for further identification. The accused persons maintained their position, and another witness, Shabani, was called by D/ Coplo Gabriel, and a similar identification result occurred whereby both the 1st and 2nd accused were identified. The identification parade Register was admitted as an exhibit and marked as **Exhibit PE2**. Also, the witness identified both the accused persons in court by touching their shoulders.

PW6 told the court that, on the particular date, the accused wore shirts and trousers, and no photo was taken. He conducted an Identification parade under Section 60 of the Criminal Procedure Act and PGO Section 232. PW6 added that the accused person did not sign in the Register.

During cross-examination, PW6 said he never indicated the accused's name in the parade. However, the form is explanatory that the 1st suspect is OBET MWAKASANGA. He told the court further that he had never known the accused persons before. The statement of witness C13 is admitted as Exhibit **DE1**.

PW7 was **Inspector Hassan Ndutu**. He testified that, on 6th January 2015, at 16:00 HRS, he was assigned to interrogate the suspect of murder,

Regan Romwald Kanje. The suspect was handed over to him by RCO. He informed him that he had the right to call a relative or lawyer or to give a statement without a relative or friend. During interrogation, his statement was recorded, where the suspect confessed to having killed the deceased. The suspect told PW7 that they spotted the deceased, who had money. He testified that the 2nd accused said he shot the deceased during the incident. Finally, the suspect read his statement and signed it.

PW7 testified further that he certified the statement and returned the suspect to the RCO. He told the court that the statement was recorded from 4:05 to 5:00 PM. The interrogation was conducted at his office, and the suspect was healthy. PW7 identified the statement by his handwriting, case number, and signature. PW7 prayed to tender the caution statement as exhibited. However, the defence side objected that the accused was arrested at 8:00 am on 6th January 2015. At the same time, the statement was recorded at 16:00 HRS, contrary to section 50 of the Criminal Procedure Act, which requires the statement to be recorded within four hours. The court conducted a trial within a trial whereby the prosecution paraded two witnesses, PW1 **Hassan Ndutu** and PW2 F 5946 D/CPL **Revocatus Ndamngoba**, who insisted that the 2nd accused recorded and signed the

caution statement. On his part, the 2nd accused denied giving any statement while in the custody of the police. However, the 2nd accused admitted that the signature in the caution statement was his.

After passing through the shreds of evidence in the trial within the trial, this court admitted it as an exhibit, and it was marked as **exhibit PE3**. On cross-examination, PW7 told this court that he interrogated the 2nd accused only on this case and never recorded another witness's statement. He denied knowing 1st accused at the time he was recording the statement of the 2nd accused and that he knew the incident after recording the statement of the 2nd accused. He recorded the statement at 4:05 p.m. and used sections 57 and 58 of the CPA to record the second accused's cautioned statement. He also stated that both teams were used in his statement, but it was contrary to the law. After the accused signature, he put his force Number as a signature, and the signatures of the 2nd charge on the first and last page were the same. That marked the end of the prosecution case.

After passing through the evidence of the prosecution side, this court found that both the 1st and 2nd accused persons have cases to answer. During the defense hearing, both 1st and 2nd accused persons testified under oath

and gave sole evidence. They both denied involvement in the decimation of the deceased's life.

On his part, the first accused, **Obet Semu Mwakasanga**, testified that he is a resident of Mbagala Charambe. Before his arrest, he was dealing with selling drinks and "Nyama Choma," famously known as Kitimoto. He told the court that his business was located in the Sabasaba area, in Temeke District. He met the 2nd accused, **Regan Ronald Kanje**, on 26 January 2015 at Kinondoni District Court before Hon. Moshi PRM. He was arraigned in court for the charges of murder of one **Glory Rock Marandu**. He asserted that the accusation was incorrect because he never owned or used a pistol and was arrested on 10th January 2015 at 1:00 in the night at Sabasaba for delaying closing business. According to him, on 20/01/2015, he was taken to the Osterbay police station, where he stayed at the lockup, and he was never interrogated nor identified at the identification parade. PW5 identified him in court. He denied having killed Glory. It is contended that there is no evidence relating to a pistol or bullet. The 1st accused insisted that on 5/01/2015 and 23/12/2014, he was at Sabasaba doing his business.

On cross-examination, the 1st accused stated that he never owned a pistol, which was not brought to the court, and that he knew nothing about

the cause of death. The first accused also raised a defence of alibi. On Reexamination, he told the court that the medical doctor never mentioned the person who shot the deceased.

On his part, the 2nd accused, **Regan Ronald Kanje**, testified that on 06/01/2015, he was arrested for a traffic case and taken to Osterbay police station and taken to lock up. He was arraigned in court for murder charges, where he denied the charges and prayed the court to release him. Further, he reiterated that the signature in the cautioned statement was not his. However, he maintained that he never signed the said document with such contents. It was the 2nd accused assertion that on 12/12/2018, the case was discontinued under S.91(1) of CPA, and the police told him that his main issue at the High Court was over. Therefore, he was entitled to bail.

In that regard, he was supposed to sign the documentation. Later, on 14/12/2013, he was told that his relatives were there, so he had to sign the documents to be granted bail. After that, he was arraigned in court and charged with a murder case; that is how his signature was procured. Also, he denied being interrogated.

During cross-examination, the 2nd accused maintained that the signature was his but never recorded the statement. And he asked the court

not to rely on his evidence adduced at trial within a trial. The 2nd accused never brought any evidence (vehicle inspection report) about his motorbike accident. He failed to procure his witness, as stated before. When further cross-examined, he denied knowing the 1st accused before. That Marked the end of the defense case.

After hearing both parties' evidence, this court is thoughtful that as far as murder cases are concerned, like in any other criminal cases, the principle is that a burden of proof lies upon the prosecution side, and it is beyond a reasonable doubt. The same does not shift to the accused person. The position was stated in the case of **Pascal Yoya@Maganga vs. Republic**, Criminal Appeal No. 248 of 2017(Unreported), where it was held that: -

"It is a cardinal principle of criminal law in our jurisdiction that, in cases such as the one at hand, the prosecution must prove its case beyond a reasonable doubt. The burden never shifts to the accused. An accused only needs to raise some reasonable doubt on the prosecution case, and he need not prove his innocence".

In addition to the above, in the case of **Mohamed Haruna @Mtupeni & Another v. Republic**, Criminal Appeal No. 25 of 2007 (unreported), the court had held that -

"... It is trite law that an accused person can only be convicted on the strength of the prosecution case and not based on the weakness of his defence."

Furthermore, in **Mwita and Others Vs. Republic** [1977] TLR 54 when hearing a criminal appeal, the court emphasized that: -
"The appellants' duty was not to prove that their defense was true. They were required to raise a reasonable doubt in the magistrate's mind and no more."

Concerning the **first** issue, it is undoubted that the deceased **Glory Rocky Marandu** died an unnatural death. The evidence of PW1, PW2, PW3, PW4, and PW5 revealed that the deceased was shot at the Morocco bus stand in Dar es Salaam. She was shot dead when she was crossing over the road, and she was behind PW5, who had money, and the bandit wanted that money. The deceased body was taken to Muhimbili National Hospital for post-mortem examination. The post-mortem examination conducted by PW1 revealed that the deceased was dead, and the cause of death was severe traumatic brain injuries and hemorrhagic shock (excessive blood loss). The post-mortem report was tendered and admitted as **Exhibit PE1**. Based on the above, the first issue is answered in the affirmative: Glory **Rock Marandu** is dead, and his death was unlawful.

The second issue is whether the 1st and 2nd accused persons caused the deceased's death. The evidence adduced, particularly the evidence of PW5, Nuru Mwakitwange, testified that it was the 1st accused who shot the deceased to death. She said she saw both accused persons who robbed her wallet with a total of Tshs. 4,500,000/=. She added that, before the event, the 1st accused had been following her from Kijitonyama -CRDB Bank to the point when she boarded a daladala. According to her, the 1st accused was busy talking on his phone in the area. Soon later, the 1st accused entered the same daladala through the front door. Furthermore, when she reached the Morocco bus stand, she decided to step out from the daladala. The 1st accused also stepped out.

While at the bus stand, the deceased begged her to cross the road together. Surprisingly, while traveling, she saw the 1st accused holding a pistol coming to them from their front side. Then, he told her, "Mbwa mkubwa we, tupe pesa." Soon after, while the 1st accused held a pistol, the second charge commanded him to shoot PW5 in her leg. While facing each other, PW5 threw the wallet with cash and other items into the accused persons. The deceased who was behind was shot. The accused persons started shooting in the air, possibly to disperse people around. According to

PW5, the accused person told her to stop screaming. When she was testifying, PW5 gave descriptions of the first and second accused persons. According to her, the first accused was thick/fat, black in color, and neither short nor tall. The 2nd accused was described as light in color, “maji ya kunde,” thin, and the same height as the 1st accused.

Given the evidence above, the trial process aims to identify reliable evidence and that which is not. In the case of ***Goodluck Kyando Versus Republic, [2006] T. L. R. 363***, the court held that every witness who is a competent person is entitled, in terms of section 127(1) of the Evidence Act, to credence unless there are cogent reasons to disbelieve them. See also the case of ***Trazias Evarista@ Deusdedit Aron Versus Republic***, Criminal Appeal No.1 88 of 2020(unreported).

In the present case, the evidence PW5, who alleged to have witnessed the incident, differs from the particulars of the charge sheet. During the trial, PW5 told the court that the 1st accused pointed a gun at her, and she threw the wallet at him. The charge sheet in particulars of the offense states that the 1st accused snatched the handbag from PW5 and started to run towards the 2nd accused person, who had parked a motorcycle standby.

The law is clear that when there appear to be inconsistencies, the court must consider them and determine whether they are minor or not affecting the prosecution case or if they go to the root of the case. The Court stipulated this position in the case **Mohamed Said Matula Vs. R** [195] TLR .3 where it was stated that: -

"Where the testimony by witnesses contain inconsistencies and contradictions, the court must address the inconsistencies and try to resolve them where possible; else, the court has to decide whether the inconsistencies and contradictions are only minor or go to the root of the matter."

In the present case, this court discovered a contradiction in the charge between her and PW5, as stated above. Moreover, PW7, a police officer who recorded the cautioned statement of the 2nd accused, testified that the 2nd the second accused told him that he was the one who shot the deceased. In contrast, PW5 told the court that the first accused was the one who had a pistol and shot the deceased.

In the case of **Said Ally Ismail Versus R**, Criminal Appeal No.249 of 2008(Unreported), the court stated that: -

"Not every discrepancy in the prosecution case will cause the prosecution case to flop. It is only where the gist of the evidence is contradictory that the prosecution case will be dismantled."

Moreover, PW1, who conducted a post-mortem examination, never told whether he found the bullet in the deceased person's body, even though he testified before the court that he discovered that the shot caused a deep wound in the deceased's body.

Also, PW5 did not describe the accused persons she saw before the arrest. In the case of **Cosmas Chalamila Verus Republic**, Criminal Appeal No. 6 of 2010(unreported), the Court of Appeal had held that: -

"... it is now settled that a witness who alleges to have identified a suspect at the crime scene ought to give a detailed description of such suspect to a person to whom he first reports the matter before such a person is arrested. The description should be on the attire worn by a suspect, his appearance, height, color, and any special mark on the body of such a suspect."

Given the above decision, throughout the trial, nothing was presented by the prosecution to show that the witness, PW5, had ever given the descriptions of the accused persons earlier before their arrest. What can be seen in the evidence available is that the police officers received information

about the involvement of the accused persons with the crime charged from their informers. More or so, PW5 was not called to the identification parade. Having looked at the identification parade, it can be seen that the relevant persons who identified the witnesses were Haji and Shabani. Nevertheless, they were not brought to the court to testify. In the case of **Aziz Abdallah Versus R** [1991] TLR 71, the court held that;

"The general and well-known rule is that the prosecutor is under a prima facie duty to call those witnesses who can testify on material facts from their connection with the transaction in question. If such witnesses are not called without sufficient reason being shown, the court may draw an inference adverse to the prosecution."

I hasten to state that the identification needs to be substantiated and reliable. The Court of Appeal in the case of **Hamis Ally & Others Versus R**, Criminal Appeal No 596 Of 2015, quoted the case of **R Versus Mohamed Bin Allui** (1942)9 EACA 72. It was held that-

"In every case in which there is a question as to the identity of the accused, the fact of there having been a description given and the terms of that description are matters of the highest importance of which evidence always ought to be given; first of all, of course, by the person or persons who gave the description and purport to identify the accused, and

then by the person the person or persons to whom the description was given..."

Similarly, in the case of **Raymond Francis vs. R** (1994) TLR, it was stated that:

"...It is elementary that in the criminal case whose determination depends entirely on identification, evidence on conditions favoring a correct identification is of the utmost importance."

Given the preceding, the witness, PW5, did something other than dock identification, which in law is only allowed if it has been proceeded by an adequately conducted identification parade. See the case **Francis Majaliwa Versus Republic**, Criminal Appeal No. 139 of 2005(unreported), which adopted the reasoning of **Gabriel Kamau Njoroge Versus Republic**, [1982-1988]1 KAR1134.

On top of that, PW4 visited the crime scene but found that the incident had already passed. Unfortunately, he never brought any evidence relating to the pistol or cartridge to court, even though he was the one who arrested the accused. Also, there is no evidence showing any search of the pistol or an investigation conducted on the accused persons about the same.

Following the cited above authorities, it is with no doubt that the inconsistencies and contradictions dismantle the prosecution. Because the same is centered at the root of the case.

In that regard, this court profoundly believes that the prosecution side, in discharging its duty of proving the case to the required standard, ought duty failed. The second issue is answered in the negative.

The third issue is whether the prosecution has proved the case to the required standard. As explained above, the prosecution must prove the case to the necessary standard stipulated in the famous case of **Pascal Yoya @Maganga Versus Republic**, Criminal Appeal No. 248 of 2017(Supra).

Therefore, even if the accused failed to raise a proper defence for his case, it does not surrender the prosecution with the moral duty to prove its case to the required standard.

In the case, the prosecution has proved that the deceased **Glory Rock Marandu** is dead of unnatural death. However, it failed to prove beyond reasonable who murdered the deceased. As stated in the second issue above, the prosecution's evidence is tainted with contradiction, which dismantles the prosecution's evidence.

It is insightful surveillance that the evidence of PW5 as a key witness contradicts the charge sheet in the particulars of the offence. As rightly pointed out above, the identification of the accused person was conducted with irregularities as a relevant witness who identified the accused was not brought to court. In the case of **Tumain Mtayomba vs. R**, Criminal Appeal No. 2017/2012 CAT at Mwanza, the court of appeal stated

"...Therefore, I at this moment draw an adverse inference against the prosecution for their failure to bring Omary Abdallah Lukola@Buyoya as a witness to court."

Also, no prior description of the accused was done. No witness testified on the issue of the pistol alleged to be used to kill the deceased in respect of the search of it or even the cartridge to be found to prove that the deceased was shot dead; PW4, a doctor who conducted a post-mortem examination never revealed he found the bullet in the body of the deceased or whether it passed out of her body. From the above observation, I hold that there are no persuasive reasons why evidence of prosecution should be acted upon.

In light of the preceding, I hold that the prosecution has failed to prove the case to the required standard, which is beyond reasonable doubt.

Therefore, the accused persons, **OBET SEMU MWAKASAKA** and **REGAN ROMWALD KANJE**, are not guilty as charged, and I, at this moment, acquit them of the offence of murder Contrary to Sections 196 and 197 of the Penal Code, [Cap. 16 R.E 2022].

Order accordingly.



H. R. Mwanga

Judge

25/08/2023

COURT: Judgement delivered in Chambers this 25th day of August, 2023, in the presence of Erick Shija, assisted by Roda Kamugui and Alson Lukosi, the learned State Attorneys, and Yohana Kibindu Advocate for the Accused persons.



H. R. Mwanga

Judge

25/08/2023