

Kashaka v Uganda (Miscellaneous Application 6 of 2021) [2021] UGSC 26 (13 August 2021)

[2021] UGSC 26

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The grounds are stated in the application but the most relevant being that the applicant is not in good health as he suffers from Chronic Gastritis (with very high suspicion index of peptic Ulcer Hypertensive hear Disease (with a history of Disease). Hypertensive Crisis) among others and that he is in urgent need of specialized medical treatment which is not readily available at the prison facility where the applicant is detained. He has as a result filed an application for bail pending appeal which has

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however coincided with the Covid-19 restrictions and court S vacation.

The application is supported with an affidavit deponed by Mrs. Diana Muhanguzi the wife to the applicant. I will not restate the averments contained in that affidavit in this ruling as the same 10 is court record.

In his submissions, learned Counsel for the applicant attaches on the application a medical report from the health facility where the applicant is detained. The medical report gives in detail the 15 medical history of the applicant.

Supreme Court vacation spans between 1st August to 31st August every year. Under Rule 21 of the Supreme Court Rules business during this period shall be determined by the Chief Justice. No 20 business is conducted during vacation, unless the Chief Justice otherwise directs, except the delivery of judgments and orders, when the matter is shown to be one of urgency. The other enabling laws are rule 42 and 43 which provide for the format and documents supporting the application for Certificate of \$25\$ Urgency.

After perusing the Notice of Motion, the supporting affidavit and the submissions of the learned counsel for the applicant, I am satisfied that the applicant has met the criteria for the issuing of a Certificate of Urgency. His medical report confirms that he is a person of advanced age suffering from numerous life threatening ailments for which he should be given a chance to apply for bail.

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The authority in Mellan Marere v Uganda in the Supreme S Court, Criminal Application No. 5 of 2021 (Mugamba, JSC), supports my above conclusion.

In the result, this application is allowed. Miscellaneous application No.04 of 2020 for bail pending appeal be heard 10 during court vacation. I make no orders as to costs. The file is returned to the registry for re-allocation.

Dated at Kampala this.....

Rubby Opio-Aweri **JUSTICE OF THE SUPREME COURT**

Nabwire Co-A clerk
Dueman Kobera for the

\$100\$ g read in chambers
per from A \$\partial\$ 13/8/2021

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