

UGANDA / JUDGMENT

# Leads insurance limited v Attorney general & Ors (Miscellaneous Cause No. 0003 of 2015) [2015] UGHCCD 7 (22 January 2015) [2015] UGHCCD 7

## COURT

HC: Civil Division (Uganda)

## BEFORE

Nyanzi, J

## CASE / FILE NUMBER

Miscellaneous Cause No. 0003 of 2015

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## THE REPUBLIC OF UGANDA

## IN THE HIGH COURT OF UGANDA AT KAMPALA

## CIVIL DIVISION

## MISCELLANEOUS CAUSE No. 0003 OF 2015

LEADS INSURANCE LIMITED ::::::::::::::::::::::::::: APPLICANT

## VERSUS

1. ATTORNEY GENERAL
2. DIRECTORATE OF PUBLIC PROSECUTIONS ::: RESPONDENTS
3. COMMANDANT/O/C KIREKA

BEFORE HON JUSTICE NYANZI YASIN

## RULING:

## Court:-

I have read the file and heard Mr. Mugenyi. I would have offered a full right to the Attorney General to reply but I tend to agree that the Director of Public Prosecutions should not be stopped from carrying out an investigation. I did not agree with Mr. Mugenyi though legally may have had good arguments but I believe Judicial Review is not intended to frustrate other government agencies from doing their work especially executive work.

I also notice that the withdrawal of DCTs has caused Leads applicant to be no commercial collapse. In the circumstances I have been compelled to make orders under Article 126 (2) (e) of the Constitution 1995. Section 33 of Judicial Review and 98 of the Civil Procedure Act to befit the case. My orders are as follows:-

1. That DCTs retained by the Director of Public Prosecutions be released to Insurance Regulatory Authority within 7 days from the date of this order.
2. That the Director of Public Prosecutions shall have free access to the land titles during all the times of investigation and trial of the case against the share holders of the applicant.
3. The 14 DCTs will remain with Insurance Regulatory Authority so long as the investigation and cases remain pending.
4. That the applicant or its director or any other person shall not transfer their interest within DCTs while the cases or investigations are still pending except with consent of Attorney General and Insurance Regulatory Authority, if any, shall transfer is made a violator of this order, the same shall be void.
5. Each party bares its costs of the application

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NYANZI YASIN

JUDGE

22/1/2015.

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