

UGANDA / JUDGMENT

Masanya v Regina (Criminal Appeal No. 19 of 1952) [1952] EACA 322 (1 January 1952)

[1952] EACA 322

COURT

East African Court of Appeal

BEFORE

De Lestang J, Windham J

CASE / FILE NUMBER

Criminal Appeal No. 19 of 1952

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APPELLATE CRIMINAL

Before DE LESTANG, J. and WINDHAM, J.

FULANA s/o MASANYA, Appellant (Original Accused)

v.

REGINA, Respondent (Original Prosecutrix)

Criminal Appeal No. 19 of 1952

(Appeal from decision of the First Class Magistrate's Court at Nairobi, A. E. Errington, Esq.)

Voluntarily unemployed person—Meaning of—Voluntary Unemployed Persons Ordinance, 1949.

The appellant, having been convicted by the First Class Magistrate, Nairobi, of being an unemployed person and failing to report within seven days to the Labour Exchange contra section 6 (2) of the Voluntary Unemployed Persons Ordinance, 1949, appealed.

Held (22-2-52).—The term "unemployed person" is a term of art meaning that the person must be between 12 and 45 years of age. The accused must admit that he is under 45 or the fact be proved before he can be convicted.

Appeal allowed, conviction quashed and sentence set aside.

Appellant in person.

Pearson, Crown Counsel, for the Crown.

JUDGMENT.-In our view the plea of the appellant is not an unequivocal plea of guilty to the charge. The term "unemployed person" is a term of art meaning more than it means in common parlance, viz. that the person must be between 12 and 45 years of age. It is therefore necessary for an accused person either to admit that he is under 45 years of age or for this fact to be proved before he can be convicted. Neither was done in the present case and the appellant looks over \$45\$ and states that he is 50.

The appeal is allowed. The conviction is quashed and the sentence set aside. Appellant will be released forthwith.

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Prepared on 12 October 2026 · Esheria