

Okello v Uganda (Criminal Application 6 of 2017) [2018] UGSC 85 (26 April 2018)

[2018] UGSC 85

BEFORE

Katureebe, CJ, Arach-Amoko, JSC, Opio-Aweri, JSC, Mugamba, JSC, Buteera, JSC

Source: ulii.org · Research copy typeset by Esheria. Not court-issued or certified.

- *The applicant be heard on the Review of judgment* \$(a)\$
- \$(b)\$ *Consequential order be issued to correct accidental slip or omission on* the judgment'.

Background

On 30th November 2010 the High Court sitting in Gulu convicted the Applicant of aggravated defilement and sentenced him to 22 years imprisonment. He appealed both conviction and sentence in the Court of Appeal which on 18th March 2014 dismissed the appeal. His second appeal to the Supreme Court was also dismissed on 20th September 2017. This application is a sequel to this Court's verdict in the Appeal.

Page 1 of 4

Representation

The Applicant did not have legal representation. He chose to represent himself. Ms. Alice Komuhangi Khaukha, Senior Assistant D. P. P. appeared for the Respondent.

Arguments

Both for the Applicant and for the Respondent written submissions were filed and the parties adopted them for consideration by court. The thrust of this application is that the period spent on remand was

omitted when the sentence of 22 years imprisonment was imposed.

The application is opposed by the Respondent.

Resolution

We have looked at the Application as well as the written submissions of the Applicant and those of the Respondent. We are mindful of the fact that this court determined the relevant appeal finally and we cannot be expected to sit in judgment of this court's previous verdict. It was in light of circumstances similar to what is before us that the Court of Appeal for East Africa per Newbold. P. stated:

This court is now the final court of appeal and when this court delivers its judgment that judgment is, so far as the particular proceedings are concerned, the end of the litigation. It determines in respect of the parties to the particular proceedings their final legal position, subject, as I have said, to the limited application of the slip rule'.

The above dicta was in *Lakhamshi Brothers Ltd v R. Raja & Sons*, [1966] E. A. \$313, 314.\$

In *Orient Bank v Fredrick Zaabwe & Another*, Civil Appeal No. 17/2007 this court had this to say:

... .. issue of fact or law is final so that the unsuccessful party cannot apply for its reversal... .. under rule 35(1) this court may correct inter alia any error arising from accidental slip or omission in its judgment, in order to give effect to what was its intention at the time of giving judgment'.

There should be no doubt what is comprised in the slip rule as **Fang Min v Dr. Kaijuka Mutabaazi Emmanuel**; Civil Application No. 06 of 2009 was definate. Therein this court stated:

"... It is therefore, now fairly well settled that there are two circumstances in which the slip rule can be applied namely:

- (1) where the court is satisfied that it is giving effect to the intention of the court at the time when the judgment was given; or
- (2) in the case of a matter which was overlooked, where it is satisfied beyond doubt, as to the order which it would have made had the *matter been brought to its attention*

We find there is no basis in this application to invoke the slip rule as justification for a review. It would appear this application was filed and presented with the nefarious purpose of undermining this court's final decision. We find no merit in it and accordingly reject it.

In the result this Application is dismissed.

Dated this 26th day of April \$\ldots\$

Brukah

HON. JUSTICE BART KATUREEBE CHIEF JUSTICE

HON. JÚSTICE ARACH -AMOKO JUSTICE OF THE SUPREME COURT

HON. JUSTICE OPIO-AWERI JUSTICE OF THE SUPREME COURT

HON. JUSTICE PAUL K. MUGAMBA JUSTICE OF THE SUPREME COURT

HON. JUSTICE RICHARD BUTEERA JUSTICE OF THE SUPREME COURT

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://ulii.org/akn/ug/judgment/ugsc/2018/85/eng@2018-04-26>

CASE PAGE <https://chat.esheria.ai/case-law/uganda/okello-v-uganda-criminal-application-6-of-2017-2018-ugsc-85-26-april-2018-unknown-topic-unknown-court-2018>

Prepared on 14 October 2026 · Esheria