

UGANDA / JUDGMENT

Rex v Puja (Cr. App. 13/1931.)

[1931] EACA 14 (1 January 1931)

[1931] EACA 14**COURT**

East African Court of Appeal

BEFORE

Barth CJ, Griffin C.J. (Uganda),, Pickering, C.J. (Zanzibar)

CASE / FILE NUMBER

Cr. App. 13/1931.

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COURT OF APPEAL FOR EASTERN AFRICA.

Before SIR JACOB BARTH, C. J. (Kenya); SIR CHARLES GRIFFIN, C. J. (Uganda), and PICKERING, C. J. (Zanzibar).

REX (Respondent) (Original Prosecutor)**MTALIGOMELO S/O PUJA****(Appellant) (Original Accused).****Cr. App. 13/1931.**

- Criminal Procedure Code (Tanganyika), section 157-inquir. bv-Court as to lunacy of accused.
- Held (11-3-31): That in trials before the High Court the inquiry as to the ability of the accused to plead is properly held by the Judge without the assistance of assessors.

Appellant (absent) unrepresented.

Reece, Crown Counsel (for Attorney-General, Tanganyika) for Crown.

This was an appeal from a conviction in Criminal Case No. 170/1930 of the High Court of Tanganyika. The evidence proving that the accused was fit to plead was heard by the Judge before the Assessors had been chosen.

Reece.—The word "Court" does not include the assessors.

The Judgment of the Court was delivered by Sir Jacob. Barth.

JUDGMENT.—The evidence supports the conviction. The only matter for comment is whether or not the terms of section 157 of the Criminal Procedure Code enable the Judge without assessors to inquire into the ability of the accused to plead. In our view the expression "Court" means, in that section, the Judge, in a case in which the ability of the accused to plead because of unsoundness of mind is in issue. This view is supported by the provisions of section 257 of that Code which postpones the choosing of assessors until after the plea has been taken.

In this case the inquiry into the state of mind of the accused was held after the accused had made statements, after the information had been read but before the pleas were entered. In our judgment there is no cause to interfere.

The appeal is dismissed.

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