

UGANDA / JUDGMENT

Rex v Wage (Cr.A. 38/1934.)

[1937] EACA 148 (1 January 1937)

[1937] EACA 148**COURT**

East African Court of Appeal

BEFOREGamble. Ag. J. (Kenya), Horne J, Lucie-Smith Ag CJ
(Kenya)**CASE / FILE NUMBER**

Cr.A. 38/1934.

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CRIMINAL CASES.**COURT OF APPEAL FOR EASTERN AFRICA.**

Before LUCIE-SMITH, Ag. C. J. (Kenya), HORNE, J. and GAMBLE, Ag. J. (both of Kenya).

REX (Respondent) (Original Prosecutor) **$\overline{\mathcal{D}}$** **LUGUDA S/O WAGE (Appellant) (Original Accused). Cr. A. 38/1934.**

- The Criminal Procedure Code of Tanganyika Territory—Sections 230 and 335—Failure to give three days' notice of trial in High Court after service of information—Irregularity that may be cured.
- Held (3-5-34).—That, although the statutory period of three days' service of the information and trial as required by section 230 Criminal Procedure Code had not elapsed, never heless, as no miscarriage o occurred through this omission, the provisions of section 335 (a) might be invoked to cure the irregularity (see Kenya Criminal Procedure Code, sections 238 and 367).

Bruce (Solicitor-General, Kenya) for Attorney-General of Tanganyika.

Appellant not present.

The facts of this case are not important.

JUDGMENT.—There being no possibility in this case of a failure of justice having been occasioned by non-compliance with section 230 we are of opinion that section 355 cures the defect in service.

The evidence supports the conviction; the appeal is dismissed.

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