

**Tereza Yere v Uganda (Revision
Order Case No. 58/91) [1992]
UGHC 84 (7 December 1992)**
[1992] UGHC 84

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again selling a similar beer whaiy she sighted the complainant passing by. She then demanded from the complainant her debt.' Unfortunately the complainant did **not**. ' have the money and the accused become angry. Sae picked a piece of wood and struck the complainant with it on the neck_ The complainant •wstained injury on the neck. * '

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- - ' 4<... j . ^v ⁱ * ' J* **The optional order of sentence of a fine of a fine of 4r000/= or four months imprisonment is in my view improper.**

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This type of Zentence is not known to our law. A proper order of sentence would impose a fine with a term of imprisonment as default sentence but not as an alternative one. If the four month's imprisonment was meant to be a default sentence for the fine of \$4,000/\$ =, the default sentence would still have been illegal for contravening section 192 (d) of the MCA'70 as amended by Act 4 of 1985. This section sets out the maximum default sentence for a fine of \$4000/\$ = to one month Imprisonment.

When the file was sent to the DPP for his view, Mr. Edward Mander a State Attorney, writing the opinion for the DPP in his letter Ref: 6/4/2 of 13/8/92 shared above view and did not support the optional order of sentence. He did not wish to be heard in the event of a revisional order being made.

As pointed out above, a sentence which gives to an accused an option of either to pay an amount of money as fine or to serve a term of imprisonment is not known to our law. It is illegal. A. proper order of sentence would impose a fine with a term of imprisonment as a default sentence. In the circumstances the illegal order of sentence is set aside. In its place it is substituted an order sentencing the accused to a fine of shs. 4000/or in default of payment of the fine to imprisonment for one month.

The order of compensation is proper.

JUDGE. \$7/12/92.\$

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