

UGANDA / JUDGMENT

Uganda v Ovuru (Criminal Session Case 99 of 1995) [1995] UGHC 54 (6 July 1995)

[1995] UGHC 54**COURT**

High Court of Uganda

BEFORE

GM OKELLO, J

CASE / FILE NUMBER

Criminal Session Case 99 of 1995

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THE REPUBLIC OF UGANDA Sentence - 6 years
IN THE HIGH COURT OF UGANDA Arc
pleaded guilty

AT SESSION HOLDEN AT ARUA

CRIMINAL SESSION CASE NO. 99/95

UGANDA ::::::::::::::::::::::::::::::

VERSUS

KENNEDY OVURU :::::::::::::::::::::::::::::: ACCUSED

\$BEFORE:\$

JUSTICE G. M. OKELLO**SENTENCE**

The accused was indicted on a charge of Defilement contrary to 123(1) of the Penal Code Act as amended by statute 4A of 1990. On arraignment, he pleaded guilty to the offence. The narrated facts which truthfulness and correctness the accused admitted stated that:-

On 17-9-93 at Oryck village in Nebbi District, the accused lured the victim who to his knowledge was eight years old to a maize field and there he had unlawful sexual intercourse with her. The victim made alarm but to no help. Nobody came to her rescue. After the incident, she came home and complained to one Achama and the matter was eventually reported to her mother who in turn reported the matter to Nebbi Police Station. Upon that report the accused was on that day arrested and charged with this offence. The following day on 18-9-93, the victim was medically examined by the Medical Superintendant of Nebbi Hospital. He found injuries and inflammation around her private part which in his opinion were suggestive that she had been sexually

assaulted 24 hours earlier. There was a test of her vaginal smear which showed positive spermatozoa also \$...12\$

suggestive of her sexual assault* The Medical Officer was of the opinion that the victim was aged 8 years*

The accused was also examined and some indurations were observed around his penis* On 10-3-94 the accused made a charge and caution statement to D/ASP ATOBA* The statement was translated in Alur language by No* 10851 D/C ON2NCANGIU* In the statement the accused admitted the commission of the offence.

Defilement of which the accused stands convicted carries a maximum penalty of death* Courts however, have discretion to impose a lesser sentence if the circumstances of the offence warranted*

The established practice of this court is not to impose a maximum sentence on a first offender* In the instant case, the accused is a first offender* He pleaded guilty thus saving courts precious time, and had been on remand in custody for one year and 10 months. He is a young lad of 24 years and still unmarried. These factors are in his favour*

He claimed that he was encouraged by alcohol into the commission of that offence. Surely that is no excuse* In this era of AIDS our young female folks more than ever before need protection against the likes of the accused who cannot control their sexual urge. Considering all the circumstances of the case, I sentence the accused to 6 years imprisonment* I think this is commensurate with the offence* So I order.

'k *.—i* b' fUDGE 6-6-95

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