THE REPUBLIC OF UGANDA

IN THE CHIEF MAGISTRATES COURT OF KAMPALA AT BUGANDA ROAD

CRIMINAL OFFENCE NO. 1214 OF 2019

UGANDA ::::::::::::::: **PROSECUTOR**

VERSUS

OKELLO SHABAN :::::::::::: **ACCUSED**

PROCEEDINGS

5/11/2019

Accused in court.

Annet in Court.

Liz – court

Mbazira: Counsel for accused:

Court: Charge read and explained to accused in Luo.

Accused pleads:

Count 1: Not true. Plea of not guilty entered.

Count 1: False. Plea of not guilty entered.

Prosecution: Investigations complete. I pray for hearing date.

Court: Right of bail explained: No surety.

Court: Accused remanded until 25/11/2019 for mention and hearing fixed for 10/12/2019.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

5/11/2019

25/11/2019

Accused present.

Micheal –clerk

Mariam –State

Trial Magistrate is indisposed. I pray for adjournment.

Court: Adjourned to 27/11/2019 for mention before Trial Magistrate. Accused further remanded.

Sgd

Stella Maris Amabilis

Senior Magistrate Grade One

25/11/2019

27/11/2019

Accused in court.

Akello: G state

Mbazira: Counsel for accused (holding brief for Annet).

Micheal: Court clerk

Prosecution: No witness in court.

Court: Accused further remanded till 11/12/2019 for hearing.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

27/11/2019

11/12/2019

Accused present.

Micheal –clerk.

Mariam –state

Case for hearing however no witnesses.

Court: Adjourned to 30/12/2019 for hearing in absence of state and Trial Magistrate. Accused further remanded. Witness summons to issue.

Sgd

Stella Maris Amabilis

Senior Magistrate Grade One

11/12/2019

30/12/2019

Accused –present.

Micheal –clerk

Silver –state

No police file. Case for hearing. No witnesses.

Court: Adjourned to 15/1/2020 for hearing in absence of police file and Trial Magistrate. Accused further remanded. Witness summons to issue.

Sgd

Stella Maris Amabilis

Senior Magistrate Grade One

30/12/2019

15/1/2020

Accused in court.

Annet- state

Mbazira: Counsel for accused

Micheal –court clerk.

Prosecution: No witnesses.

Court: Hearing adjourned to 24/1/2020. Accused further remanded.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

24/1/2020

Accused –present.

Lydia –clerk

Mariam – state

I pray for adjournment. No witnesses.

Court: In absence of Trial Magistrate and state. Adjourned to 29/1/2020 for hearing. Witness summons to issue.

Accused further remanded.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

29/02/2020

Ms Akello on brief for Mr. Keefa –Counsel for state

Accused in court.

Mr. Andrew for accused

Micheal –court clerk.

Prosecution: We pray for 5/2/2020.

Court: Adjourned to 5/02/2020.

Sgd

Asuman Muhumuza

Magistrate Grade One.

29/02/2020

5/2/2020

Accused in court.

Keffa: state

Andrew: Counsel for Accused

Carlo: Interpreter.

Prosecution: No witness.

Court: Accused further remanded till 19/2/2020.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

19/2/2020

Accused in court

Akello- State Jamina

Andrew: Counsel for Accused

Micheal –court clerk.

Prosecution: One witness in court.

PW1: Christian Sworn

No.31456 D/CPL Famasi Mukanika Investigator attached to Nakiseke –Kiwoka. I knew the accused on 24/10/2019. I realized information the accused had wild meat in Kinyoga sub-county. I went to the village and arrested accused. I searched his house. I recovered 3 pieces of fresh skin of wild animals; 2 fresh heads of suspected wild animals, panga with blood stain used in the killing and slaughtering of the wild animals. Accused told me he had kill one wild animal and sold out the meat. Accused realized that he had gone hunting. The exhibits were recovered and charged him accordingly.

The matter was forwarded to UWA. The skin was dotted brown/black a panga had blood stain. I marked the panga. The skull remained since the fresh was removed.

Court: the 2 pieces of skin and 2 skull, one pang, were admitted for identification and marked jointly P.ID1.

Cross examination –accused;

- A police officer for 23 years.
- I had a search certificate in the file.
- 3 people were present during the search.
- The clothes recovered were not tendered.
- I knew accused because I was once the OCID. He was a re-known poacher.
- His home is one rental room.

Re-examination: Nil

Court: Accused further remanded to 4/5/2020 for further hearing.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

4/3/2020

Accused in court.

Andrew: Counsel for accused

Gladys –state

Micheal –court clerk.

Prosecution: No police file.

Court: Further remanded till 11/3/2020.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

11/3/2020

Accused in court.

Amerit –state

Andrew –counsel for accused

Court: Matter adjourned to 25/3/2020 for further hearing.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

29/7/2020

Accused in court.

Andrew: Counsel for accused

Guloba: state

Elizabeth –clerk

Prosecution: No police file.

Court: Accused remanded till 5/8/2020 for reading the charge.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

5/8/2020

Accused in court.

Keffa –state

Andrew: Counsel for accused

Elizabeth: court clerk.

Susan: Interpreter

Court: Charge read and explained to accused in luo.

Accused:

Count 1: It's true. Plea of guilty entered.

Count 2: It's true. Plea of guilty entered.

Brief facts: On 24/10/2019 in Nakaseke. Accused was found in possession of 2 skin of Duiker Bush with 2 heads of Bush Duiker without a licence. He was arrested by police. He was brought to CPS Kampala. The same was examined and concluded the exhibit were from Wildlife dated 27/10/2019. The exhibits were perishable.

Court: The report dated 27/10/2019 and the slip date 25/10/2019 admitted and marked I and 2 respectively.

Accused: Its true.

Court: Accused is convicted on his own plea of guilty on count 1 and 2.

Reasons: No previous record. Offence is rampant in Nakaseke having many animals, spot animals have license. 15% is given to the District.
Such acts deprives the citizen of the benefit the come out the activity. I pray for 5 years and 5 years on both counts.

Mitigation; Accused is a first offender. He pleaded guilty. Accused prays for leniency. The value of the subjected matter is 5,000,000/=. Court should promote reformation.

I pray the 9 months spend on remand is sufficient.

Sentence: Accused is a first offender. He has prayed for leniency. I have considered the time spent on remand by the accused of 9 months. I have considered the value of the subject matter maximum sentence it carries.

I will give accused a chance to change and become an advocate to UWA activities and sentence him to 4 months or pay a fine of 500,000/=.

Sgd Mokello
Ayo Miriam E. Okello
Chief Magistrate
3/03/2021