

**THE REPUBLIC OF UGANDA**  
**IN THE CHIEF MAGISTRATE'S COURT OF BUSHENYI AT RUBIRIZI**  
**BUS-24-CR-CO- 0008 – 2018- CRB – 1312 - 2017**

UGANDA ..... PROSECUTOR

**VERUSUS**

TIMBISE JULIUS ..... ACCUSED

**JUDGMENT BEFORE HIS WORSHIP BOSSA MICHAEL MAGISTRATE GRADE ONE.**

The accused was charged with one count of entering a wild life protected area without authority c/s 22(i) 74 (a) c/ UWA cap.

The accused is alleged to have committed the said offence on 31/12/17 when he was allegedly found with another within the protected areas of QENP . At trial the accused totally denied the charges . The prosecution was represented by one Patrick Bushendiche and called 3 witnesses. The accused on the other hand was not represented but called one witness for his defence.

B.O.P - On the prosecution

S.O.P -Beyond reasonable doubt

See woolmington Vs DPP

Sec/ ingredients of entering a wildlife protected areas without authority101 Evidence Act

1. Being found within the boundaries of a protected area.
2. Entry upon such area without permission.

**ISSUES**

Whether the evidence on record is enough to sustain a conviction against that accused?

What remedies are available to the successful party.

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MAGISTRATE G.1  
RUBIRIZI COURT

21/10/2021

14/10/2021

## Resolution

### Issue I

All 3 prosecution witnesses including – Lance corporal Baluku, Birungi KSTV / and Kirunda James all testified to have found the accused at Mukoloboza. According to them then, they arrested him at 6:00am during an ambush that they laid. Apparently the accused showed up with a colleague of his who is said to have run off. The accused was armed with a panga and spear. For his defence the accused said he was coming from his garden. He in fact brought in a witness to support this narrative.

Note: that the nature of the offences he was charged with is of strict liability i.e it does not matter what he was doing in the protected area.

In my opinion the evidence of the prosecution is most believable, for the accused can't have a garden in the protective area where he was arrested. The offence being one of satiability, I convict him with entering a wild life protected area without permission. c/s 22 (i) & 74.

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**H/W BOSA MIICHAEL**

**MAGISTRATE G.1**

5/09/2018

**17/07/2019**

Accused – present

State-Ibrah

Simon-C/C

**Pros** -The convict is a first offender but a very stubborn. He was charged with unlawful entry upon a protected area. It is punishable to a fine of not less than 1M and not more than 5 years in person. I pray for deterrent sentence.

**Mitigation** - I am sickly and I have been on remand for a long time. I pray for lenience.

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MAGISTRATE G.1  
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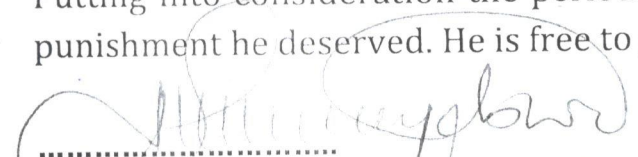
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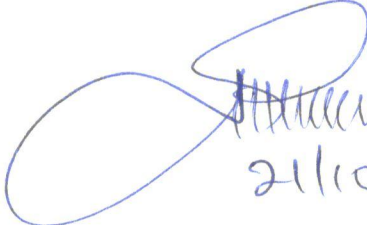
**Court- Sentencing**

Unlawful entry into a protected area attracts a sentence of 5 years in prison or fine not less than 1m or both.

The convict is a fore offender, wasted a lot of court's times but notably sick and has spent a lot of time on remand.

Putting into consideration the period he has spent on remand, that is all the punishment he deserved. He is free to go.

  
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H/W BOSA MICHAEL 4/10/2021  
MAGISTRATE G.1  
17/7/2019

  
21/10/2021  
Certified true copy  
MAGISTRATE G.1  
RUBIRIZI COURT