

THE REPUBLIC OF UGANDA  
IN THE CHIEF MAGISTRATE'S COURT OF BUSHENYI AT RUBIRIZI  
BUS -24-CR-CO-NO 0185/2019  
CRB NO. 489/2019

UGANDA:.....PROSECUTOR

VERSUS

BAGUMA GEORGE :.....ACCUSED

**JUDGMENT READ AND DELIVERED BY H/W BBOSA MICHAEL  
MAGISTRATE GRADE ONE ON 22/01/2020.**

The accused person was charged with one count of illegal entry into a wild life protected area c/s 22(1) and 74(a) UWA Act CAP 200.

It was alleged that the accused committed the said offence he was found at Lake Nyamisingiri and in Queen Elizabeth National Park a protected area without permission.

To prove its case ,the prosecutor represented by Buyuya Ibrah (UWA Prosecutor) called two witnesses.

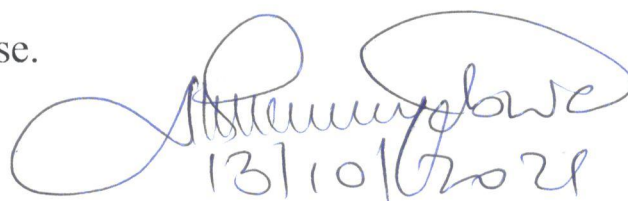
The defence for whom the accused was only witnesses elected to keep silent besides calling no witness. The accused pleaded not guilty.

Note-

- ✓ B.O.P- on the prosecution
- ✓ S.O.P- beyond reasonable doubt
- ✓ See S 101 Evidence Act. Wedmington Vs DPP.

**Ingredients of Illegal Entry**

1. Being found within the boundaries a protected area
2. Without lawful exercise.

  
13/10/2020

## ISSUES.

- a) Whether the evidence on record is enough to sustain a charge of illegal entry against the accused?
- b) What remedies are available to the parties?

## RESOLUTION.

According to Pw1 –UPDF officer Joseph Odeke and PW3 one Muhindo Godwin, they both consistently testified as to finding the accused with two others on 15/06/2019 at around Lake Nyamusingiri well within the boundaries of Queen Elizabeth National Park while they were on patrol. Apparently the accused and others who ran off were on their way to the Lake to fish because he was arrested with several fish nets.

After arresting him, the accused was then taken to Rubirizi Central police station where he recorded a statement.

Note that when time came for the accused to defend himself he elected to keep silent. Therefore besides his plea of not guilty, the accused never entered a defence in his favour.

I must point out however that the evidence against the accused on the other hand is very direct and believable.

I accordingly found him guilty of entering a wildlife protected area without authority c/s 22(1) and 74 (a) UWA Act cap 200.

Judgment delivered in open court before the prosecutor and accused on 22/01/2020 by HIS WORSHIP BBOSA MICHAEL

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HIS WORSHIP BBOSA MICHAEL 13/10/2021

**MAGISTRATE GRADE ONE.**

**22/01/2020**

22/01/2020

Accused – present

State- Ibrah

Simon- c/c

Pros- Matter is for judgment

Court- Judgment delivered before the prosecution , defense and public at large in open court.

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**HIS WORSHIP BBOSA MICHAEL**

**MAGISTRATE GRADE ONE.**

22/01/2020

Accused- I elect to keep quiet

Parties- No submission\

Pros- submission- accused is on bail and matter has advanced to a final a stage. I have a fear that the accused may not turn up in court.

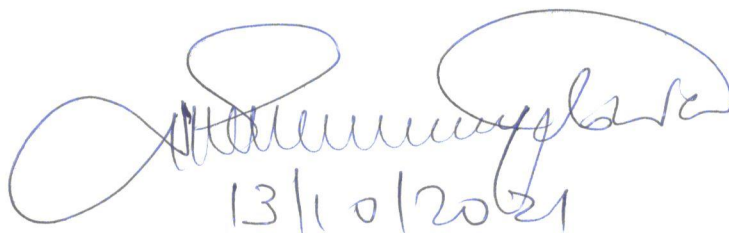
In the circumstance I pray that his bail be cancelled.

Accused – I have religiously attended court since I was granted bail.

The only time I didn't attend, I sent my wife who is also my surety because I was sick.

Pros. The convict is a first offender, he was charged with illegal entry into a protected area. Punishment is a fine not less than 30,000 and not more than 3m. or to imprisonment of not less than 3 months or both, I pray for a custodial sentence.

Court- Sentencing,



13/10/2021

Illegal entry into a protected areas according to the old law attract a fine between Ugx. 30,000 and 3m or a prison sentence not exceeding 3 months for the 1<sup>st</sup> time offender.

The convict has wasted a lot of court's time although seems remorseful. Accordingly he will serve a prison sentence of 3 months excluding any remand time.

  
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13/10/2021

**HIS WORSHIP BBOSA MICHAEL**

**MAGISTRATE GRADE ONE.**

**22/01/2020**