

THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA  
HCT-03-CR-SC-0137-2007

UGANDA :::::::::::::::::::::::::::::::::::::: PROSECUTOR

**VERSUS**

MUKULU NASURU & 3 OTHERS :::::::::::::::::::::::::::::: ACCUSED

**BEFORE: HON. JUSTICE J.P.M TABARO**

**ORDER**

15-1-2008

A1, Nasuru Mukulu

A2, Daniel Walube

A3, Paul S ooma

A4 Paul Waako, all present

Mr. F. Kakooza Principal State Attorney for the  
State

Ms. J. Nakakande for the defence

**Court:** For aneigerment on 19-1-2009

Police file not available.

**J.P.M. Tabaro**

**Judge**

**15-12-2008**

19-1-2009

A1, A2, A3, A4, present

Ms. C. Kwikiriza, State Attorney  
for the State

Ms J. Nakakande for defence on State brief

Accused persons shall be aneighed

**Plea:** A1: I admit the charge. Plea of Guilty recorded.

A2: Not Guilty

A3. I admit the charge. Plea of Guilty entered (N.G)

A4: Not Guilty

**Court:** Adjourned till 12.00 noon.

**J.P.M Tabaro**

**Judge**

Later in the afternoon

All accused persons present

Appearances as before

Facts narrated by the Prosecutor in respect of the admission of guilt by A1.

“On 25-12-2007 there was a disco dance at Lubani Trading Centre near the home of the Prosecutrix’s home. The Prosecutrix attended the dance. At 9.00p.m the Prosecutrix decided to return home. On the way she met, group of boys among whom she recognized A1, Nasuru

Mukulu: Nasuru Mukulu with the other boys carried her into a nearby bush by force and had sexual intercourse with her until she became unconscious. At 1.00a.m one Hasi heard the victim crying and came to her rescue. He was going home. He then carried the Prosecutrix to her parents' home. She was bleeding from her private parts. Subsequently the girl's father took her to Lubani Drugs Shop and later to Lubani Health Centre from where she was referred to Jinja hospital for further treatment. Next the father reported the matter to Buwange Police Post. Later the accused was arrested and subsequently confessed to defiling the Prosecutrix, hence the charge before court. Prosecutrix was medically examined by Dr. Katende and found to be aged 14 years."

Facts put to accused.

He states: Correct

**Court:** Accused No.1 Nasuru Mukulu is convicted of defilement  
C/S 129 (1) of the Penal Code, that is, as amended by Act 8 of 2007.

**J.P.M Tabaro**

**Judge**

**19-1-2008**

**Order:** Accused person is convicted of simple defilement, that is, not aggravated as that is so the accused shall be dealt with under the children (Family and Children Court) Rules, made under the Children Act (Cap.59 Laws of Uganda), Section 94.

**J.P.M. Tabaro**

**Judge**

**19-1-2009**

**Order:** By virtue of S.6 of the Penal Code (Amendment) Act, 2007 (Act 8 of 2007), the file shall be transferred to the Chief Magistrate's Court Jinja. Since High Court has unlimited jurisdiction, the conviction would appear to be in accordance with the law.

**J.P.M. Tabaro**

**Judge**

**19-1-2009**

**Court:** In order to avoid delay the file shall be sent to Jinja not later than 2-2-2009 when the matter will be before the Chief Magistrate Jinja for order under S.94 of the Children Act (Cap 59 Laws of Uganda).

**J.P.M. Tabaro**

**Judge**

**19-1-2009**

**Order:** A2, A3, and A4 shall be remanded in custody till the next convenient session of the High Court.

**J.P.M. Tabaro**

**Judge**

**19-1-2009**