

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT FORT PORTAL

HCT - 01 - CR - SC - 0072 - 2008

UGANDA ..... PROSECUTOR

VERSUS

BARIGYE TADEO .....ACCUSED

BEFORE THE HONOURABLE MR. JUSTICE J.B.A. KATUTSI

JUDGMENT

This is a case of defilement. Offence has been strictly proved. The sexual act has been proved to the required degree.

Participation of the accused has been proved. When an offence is committed, the first thing to look for is whether there was an opportunity on the part of the accused to commit the offence. Here accused admits going with the small girl in the bush where according to him he gave guavas. The small girl went home eating guavas and told her mother the story behind the guava. On examination, the mother was able to see that a sexual act had been performed on her daughter. The testimony of the small girl has been ably corroborated. In agreement with the assessors I find accused guilty and convict him as charged.

Sgd: J.B.A. Katutsi

Judge

05/10/10

**Baine:** No previous record. However defilement cases are on the increase. Ask for deterrent sentence.

Sgd: J.B.A. Katutsi

**Judge**

**Orone:** The convict is a young man of 38 years. He is a first offender. He is a married man with three children. Pray for leniency.

Sgd: J.B.A. Katutsi

**Judge**

Sentence and reasons for the same.

Accused sexually abused a small girl of 4 years old. This was beastly to say the least. Worse still I am told he is married with children. Defilement cases are on an alarming increase in this area. This session alone  $\frac{3}{4}$  of the cases listed are on defilement. This trend must be curbed if we are to protect the future mothers of this Country. This can only be done by passing sentence that will warn others of what is waiting for them in case they fall in the same trap. For the above reasons I deem a custodial sentence of 20 years not to be a second longer.

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**J.B.A. KATUTSI**

**JUDGE**