

HON. JUSTICE BEKOKO.

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT JINJA

MISC. APPLICATION NO. 7 OF 1993

ORIG. MJ. 542 OF 1993

ANTHONY KASAJJA:.....:APPLICANT

V E R S U S

UGANDA :.....:RESPONDENT

BEFORE: THE HON. MR. JUSTICE C.M. KATO

R U L I N G

This is an application, by the applicant Anthony Kasajja, for bail. The application is by a notice of motion dated 22/1/93 and it is supported by the applicant's own affidavit dated 23/11/93. Although the notice of motion itself does not mention the law under which it was lodged, Mr. Okalang the learned counsel for the applicant informed the court that the application had been based on the Provisions of section 75(3)(b) of M.C.A. and section 14 of T.I.D.

The applicant lodged this application after a similar application had been presented before the chief magistrate Jinja and it had been rejected on a number of grounds. The applicant is charged before magistrate's court at Jinja with 8 counts each of which is for causing financial loss to the government contrary to section 258(1) of the Penal Code Act as amended by Statute No.5 of 1987.

Upon a careful consideration of the application, the affidavit of the applicant, the weight arguments of both counsel and the charges preferred against the applicant I have come to the conclusion that this application cannot succeed in view of the gravity of the charges and the huge amount of public money involved.

The application is accordingly dismissed. This decision, however, should not operate as a bar to prevent the applicant from taking advantage of the provisions of section 74A of M.C.A. as amended by Statute 6 of 1990, he is free to apply for bail after the expiry of 240 days from the date he was remanded.

Since the inquiries in this case were completed long ago it is only unfortunate that the accused has not been tried up to now. Records on the file of the chief magistrate show that the case was fixed for hearing on a number of occasions but for some reasons, some of which are not sound at all, the case has never taken off. In interests of justice it is directed that the hearing of the case which is pending before the chief magistrate's court at Jinja should commence as soon as it is practicable at any rate before the end of January, 1994. So it is ordered.

[Signature]
C.M. KATO
J U D G E
5/1/94

5/1/94: Applicant/accused present.
Wamasebu for respondent.
Okalang for applicant absent.
Baligeya court clerk.
Applicant: The Ruling should be read in the absence of my counsel.

Court: Ruling is delivered in the absence of applicant's counsel but in the presence of the applicant.

C.M. KATO
J U D G E
5/1/94