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**THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT KAMPALA  
(CRIMINAL DIVISION)**

**HCT-00-CR-CF-010-2026**

*(Arising from Kasangati Chief Magistrates’ Court Criminal Case No. KST-CR-CO-346 of 2024)*

10 **UGANDA** ..... **APPLICANT**

**VERSUS**

**SSAKA SAM** ..... **RESPONDENT**

**CONFIRMATION OF SENTENCE**

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**BEFORE: HON. JUSTICE GADENYA PAUL WOLIMBWA**

**1.0 Introduction:**

Her Worship Nangobi Miria Jackie, Magistrate Grade I, forwarded this matter to the High Court for confirmation of sentence pursuant to section 173 of the Magistrates Courts Act.

**2.0 Background:**

20 The Respondent, Ssaka Sam, was charged with the offence of threatening violence, contrary to section 81(a) of the Penal Code Act. The prosecution alleged that on 11th June 2024, at Kijabijjo “B”, Kira Municipality in Wakiso District, the Respondent threatened to injure, assault, or kill the complainant with intent to intimidate or annoy them. On 19th June 2024, the Respondent pleaded guilty and was sentenced to two years’ imprisonment.

25 **3.0 Legal Mandate and Principles of Confirmation:**

Confirmation of sentences is a mandatory judicial exercise grounded in the protection of the right to personal liberty under Article 23 of the Constitution. This Court must satisfy itself that a conviction is sound and the resulting sentence is both legitimate and lawful.

30 Although section 8 of the Magistrates Courts (Amendment) Act, 2026 has repealed section 173 of  
the Magistrates Courts Act, this Court retains the jurisdiction to review sentences imposed prior to  
the repeal. In doing so, the Court applies principles analogous to its appellate and revisionary  
jurisdiction: examining whether the trial court exercised its sentencing discretion judiciously and  
ensuring no material error resulted in a miscarriage of justice. As affirmed in *Turyatunga v.*  
35 *Uganda* (Criminal Appeal No. 16 of 2016) [2017] UGHCCD 130, this Court may enhance, alter,  
or reverse any sentence that is found to be manifestly excessive or patently illegal.

#### **4.0 Resolution**

##### **4.1 Propriety of the Proceedings**

The validity of a conviction following a plea of guilty rests upon the trial court's strict adherence  
40 to the procedure for recording such pleas. Under section 124 of the Magistrates Courts Act and the  
established precedent in *Adan v. The Republic* [1973] EA 445, a trial court must read the full facts  
of the case to an accused person to ensure they understand the nature of the charge and that their  
plea is informed, voluntary, and unequivocal.

45 In the present case, the trial court failed to follow this prescribed procedure. While the charge and  
particulars were read and explained to the Respondent, the court failed to read the facts constituting  
the offence to the Respondent for his acknowledgment. The particulars on the charge sheet alone  
were insufficient to disclose the full circumstances of the offence or to satisfy all essential  
ingredients. Consequently, the Respondent was never afforded the opportunity to admit or deny  
50 the factual basis of the charge, rendering the plea equivocal and the conviction entered in error.

##### **4.2 Appropriateness of the Sentence**

In determining an appropriate sentence, the Court must balance the principles codified in the  
*Sentencing Guidelines for Courts of Judicature (Practice) Directions, 2013* against the specific  
circumstances of the case. Having found that the conviction itself was entered in error due to a  
55 defective plea-taking procedure, it is unnecessary to examine the appropriateness of the sentence,  
as it flows from an invalid conviction.

## 5.0 Decision

This Court exercises jurisdiction to confirm sentences under section 173 of the Magistrates Courts Act. This jurisdiction is co-extensive with, and does not diminish, this Court's revisionary jurisdiction over proceedings of subordinate courts conferred by sections 48 to 50 of the Criminal Procedure Code Act. Under section 48, this Court may call for and examine the record of any criminal proceedings before a subordinate court, and section 50 empowers it to set aside a conviction, alter a finding, or reduce, enhance, or otherwise modify a sentence where the proceedings are irregular or the conviction is illegal. This Court may *sou moto* exercise the power of revision, and it is well settled that confirmation proceedings constitute an appropriate occasion for its exercise: see *Uganda v. Kato* [1975] HCB 246.

In the present case, the proceedings before the trial court were irregular because of defects in taking plea as identified above. The plea of guilty was not taken in accordance with section 124 of the Magistrates Courts Act and the requirements affirmed in *Adan v. The Republic* [1973] EA 445. The plea was therefore equivocal. It follows that the conviction entered upon it was illegal, and the sentence of two years' imprisonment that followed was without lawful foundation.

It is regrettable that by the time this matter reached the High Court, the Respondent had already served the full sentence. The proceedings are therefore overtaken by events, and no question of release or retrial arises. The circumstance do not, however, foreclose the exercise of revision. The integrity of the criminal record remains the proper concern of this Court. A conviction entered upon an equivocal plea is a nullity, and it ought not to stand merely because the sentence has run its course. Accordingly, and in exercise of the revisionary powers conferred by sections 48 to 50 of the Criminal Procedure Code Act, this Court sets aside the plea of guilty, quashes the conviction, and vacates the sentence of two years' imprisonment. The record shall be rectified to reflect this order.

It is so ordered.



Gadenya Paul Wolimbwa

85 **JUDGE**

19<sup>th</sup> June 2026.