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29th August, 2023

Gen. Muhoozi Kainerugaba
Spa/Chairman Mk Movement

Dear Sir,

RE: STATUS REPORT ON CRIMINAL APPLICATION NO. 140 OF 2023, UGANDA (PRIVATE PROSECUTION BY MALE MABIRIZI) VERSUS MUHOOZI KAINERUGABA & 8 OTHERS AND CRIMINAL REVISION NO. 23 OF 2023, UGANDA VERSUS MUHOOZI KAINERUGABA

Today, the 29th of August, 2023, the above captioned matters came up for Ruling at 9:00am before the learned Registrar, **His Worship Festo Nsenga**.

Court consolidated the two applications and jointly resolved them under three issues namely;

- 1. Whether the matter is amenable to revision?**
- 2. Whether our application for the transfer and takeover of City Hall Court the file No. 4530 of 2022 by the Buganda Road Court was lawful?**
- 3. Whether the Private Prosecutor could properly file an amended charge sheet in a matter taken over by the Dpp?**

Although, Court faulted the procedure of Revision adopted by the DPP while filing her application to strike out the amended charge sheet filed by Male Mabirizi, the judge, nonetheless dealt with the merits of the applications.

Court therefore went on to determine the legality of the transfer and take-over of the case by Buganda Road Court. Court found that the Chief Magistrate of Buganda Road Court legitimately exercised his

statutory mandate when he sanctioned the transfer of the case file from City Hall Court to Buganda Road Court.

Court in determining whether Male Mabirizi properly filed an amended charge sheet found that this was an illegality because Male Mabirizi had no locus standi to file the said charge sheet after the Dpp had taken over the matter and that the same could not be sanctioned by Court.

Accordingly, court ordered that the said charge sheet be struck off the court record and that the criminal case No. 4530 of 2022 proceeds with only the 1st accused who is in this case you, Mr. Chairman.

Please find enclosed herein a copy of the ruling for more information.

In conclusion therefore, **Male Mabirizi** has lost in both applications and the ruling is in our favour for the following reasons;

1. Our application for transfer of the file from City Hall Court to Buganda Road court was declared lawful.
2. The amended charge sheet filed by Male Mabirizi increasing the number of accused to 8 has been struck off the record of court. As such, all the other accused, namely, **Mawandaa Micheal Maragne, Andrew Mujuni Mwenda, Barugahare Balaam Ateenyi, Kabanda David, Nuwagira Micheal Kaguta aka Toyota, Lilian Aber** and **Katungi Micheal** have no case pending against them as accused persons in this matter.
3. The file is now ready for withdrawal of charges against you by the Dpp under a (nolle Prosequi) where the DPP terminates or abandons the proceedings against an accused.

Yours Faithfully,



MBIDDE & CO. ADVOCATES

Encls: Court Ruling