

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT JINJA

MISC. CR. APPLICATION NO. 3/94

ORIGINAL JINJA CR. CASE NO. MJ. 93/94

KALIBALA NALWEMANYIDDE.....APPLICANT

-VRS-

UGANDARESPONDENT

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

R U L I N G

This is an application for bail. The applicant Kalibala Nalwemanyidde is charged with the offence of issuing a false cheque contrary to section 364(1)(b) of the Penal Code Act as amended by statute 4A of 1990. Although the applicant does not mention anywhere in his application which is by notice of motion dated 14/2/94, under what law he was proceeding it can be reasonably assumed that he is proceeding under section 14A of T.I.D. as amended by statute 5 of 1990.

By Provisions of section 14A of T.I.D. as amended by statute 5 of 1990 a person charged with the offence of issuing a false cheque can only be released on bail if he proves the existence of the following special circumstances:-

- (a) That he is gravely sick or
- (b) That he is of advanced age or an infant or
- (c) That he has been on remand for over 15 months or
- (d) That the D.P.P. does not object to his being released on bail.

The applicant in court here says he is sick because he suffers from high blood pressure, which means his only ground in support of his application is sickness. Although his application is accompanied by some two medical chits from Mengo Nursing Home showing that he has been on medical treatment since 10/12/93 for high blood pressure, there is no evidence that that is a grave

sickness envisaged in section 14A of T.I.D. nor is there any evidence that such an ailment cannot be effectively attended to at the prison where the applicant is being detained.

In all the circumstances I am inclined to agree with Mr. Wamasebu the learned counsel for the respondent when he says that the applicant has not proved to my satisfaction the existence of any special circumstance within the meaning of section 14A of T.I.D. to warrant his release on bail. The application is accordingly dismissed.

AK
C.M. KATO
J U D G E

4/3/94.

4/3/94 - Later at 12.00 noon.

Court: - The court is as before.

Ruling is delivered.

C.M. KATO
J U D G E

4/3/94