**Mabonga v Republic**

[1974] 1 EA 176 CAK)

**Division:** Court of Appeal at Kampala

**Date of judgment:** 13 May 1974

**Case Number:** 133/1973 (62/74)

**Before:** Sir William Duffus P, Wambuzi CJ and Mustafa JA

**Sourced by:** LawAfrica

**Appeal from:** High Court of Uganda – Nyamuchoncho, J

*[1] Criminal Law – Murder – Provocation – Failure of judge to consider – Effect of.*

**Editor’s Summary**

The appellant was sentenced to death for murder, the only evidence being his own confession, the judge

considering the defences of self-defence and defence of property. The facts are set out in the judgment.

**Held –** the judge should have considered the defence of provocation.

Appeal allowed. Conviction of manslaughter substituted.

**Case referred to Judgment:**

(1) *Robi v. R*., [1959] E.A. 660.