**Mukembe v Republic**

**Division:** High Court of Uganda at Kampala

**Date of judgment:** 27 August 1973

**Case Number:** 25/1973 (37/74)

**Before:** Nyamuchoncho J

**Sourced by:** LawAfrica

*[1] Hire-Purchase – Agreement – Sale of vehicle with payment by instalments – Not a hire-purchase*

*agreement.*

**Editor’s Summary**

The appellant was convicted of the theft by resale of a motor car of which he was in possession under an agreement which the state contended was a hire-purchase agreement.

The appellant contended that the car had been sold to him on deferred terms and that he owned the car.

**Held –** there was no provision for hiring in the agreement, only a sale.

Appeal allowed.

**Cases referred to Judgment:**

(1) *Kassam Bogha Parekh v. Fakar Mohamed* (1920 – 1929), 3 U.L.R. 224.

(2) *Matovu v. R*., Cr. App. 489/60 M.B. 25/61 (unreported).