**Uganda v Edirisa**

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

**Date of judgment:** 17 July 1974

**Case Number:** 137/1974 (29/75)

**Before:** Wambuzi CJ

**Sourced by:** LawAfrica

*[1] Criminal Practice and Procedure – Costs – Accused discharged not acquitted – No costs may be*

*awarded – Magistrates’ Courts Acts s.* 207 (*U*.).

*[2] Criminal Practice and Procedure – Compensation – Private prosecution withdrawn not dismissed –*

*No compensation may be awarded – Magistrates’ Courts’ Act s.* 208 (*U*.).

**Editor’s Summary**

On the appearance of the accused, the private prosecutor applied to withdraw the charge and the accused was discharged. The magistrate then made orders of costs and compensation.

**Held –**

(i) as the accused had not been called to make his defence, he was properly discharged and not acquitted;

( ii) costs may only be awarded on an acquittal and compensation only on the dismissal of a private prosecution.

Orders set aside.

**No cases referred to in judgment**