**Uganda v Matovu**

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

**Date of judgment:** 6 October 1973

**Date of judgment:** 6 October 1973

**Case Number:** 164/1973 (11/74)

**Before:** Wambuzi CJ

**Sourced by:** LawAfrica

*[1] Criminal Practice and Procedure – Compensation – Accused must be heard.*

*[2] Criminal Law – Theft – Same offence as theft by servant.*

**Editor’s Summary**

The accused was convicted of theft, although the evidence showed that he stole as a servant. Without opportunity to be heard, he was ordered to make restitution.

**Held –**

(i) Theft by a servant is not a different offence; it merely carries a heavier penalty;

( ii) an opportunity for the accused to be heard must be given before the making of an order for restitution.

Order set aside.

**Case referred to Judgment:**

(1) *Selemani v. Republic*, [1972] E.A. 269.