**Uganda v Okot**

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

**Date of judgment:** 5 July 1973

**Case Number:** 83/1973 (127/73)

**Before:** Saied J

**Sourced by:** LawAfrica

*[1] Criminal Practice and Procedure – Adjournment – Discretion of magistrate – Whether refusal to*

*adjourn proper.*

*[2] Criminal Practice and Procedure – No evidence offered by prosecutor – Dismissal of charge the*

*proper procedure – Magistrates’ Courts Act, s.* 121 (*U.*)*.*

**Editor’s Summary**

When the prosecution of the respondent was due to be heard, the prosecution applied for an adjournment on the ground that witnesses were not in attendance. The application was refused, and on no evidence being offered the magistrate acquitted the respondent.

The State appealed, contending that the decision to refuse an adjournment had not been made judicially and that the respondent should have been discharged, not acquitted.

**Held –**

(i) The magistrate’s discretion was properly exercised;

( ii) the charge should have been dismissed.

Order dismissing charge substituted.

**Cases referred to Judgment:**

(1) *Ex p. O’Brien Dalton* (1890), 28 I.R. 36.

(2) *R. v. Ratilal Ganji* (1936), 6 U.L.R. 237.

(3) *Uganda v. Milenge*, [1970] E.A. 269.

(4) *Eric Baingana v. Uganda* (1971), M.B. 68 (unreported).

(5) *D.P.P. v. Merriman* (1972), 56 Cr. App. R. 766.