

**IN THE HIGH COURT OF MALAWI**

**PRINCIPAL REGISTRY**

**CONFIRMATION CASE NO. 658 OF 2000**

**THE REPUBLIC**

**VERSUS**

**BRIAN JACKSON MALOLA IDI**

From the Resident Magistrate Court Sitting  
at Blantyre: Criminal Case No. 508 of 2000

CORAM: HON. MR JUSTICE KAPANDA  
Miss Chimwaza, Deputy Chief State Advocate  
Accused, present and Unrepresented  
Chisi, Recording Officer

Date of hearing : 11th April 2003  
Date of order : 11th April 2003

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**Kapanda, J**

**ORDER IN CONFIRMATION**

The defendant pleaded guilty to a charge of Armed Robbery. The court then sentenced him to 6 years imprisonment with hard labour.

The reviewing judge is of the view that the sentence is manifestly inadequate. I agree with him entirely. The convict did deserve a stiff penalty albeit that he pleaded guilty and that

he is first offender. **Rep -vs- Adamson Sanjika and Another** Conf. Case No. 298 of 1997.

The Sanjika case has set down the starting point of sentence for the offence of Armed Robbery. It is ten years and enhanced or reduced depending on aggravating or mitigating factors. There were no serious mitigating factors in this case apart from the fact that the defendant pleaded guilty and that he is a first offender. For the offence of Armed Robbery these are not serious mitigating factors that would entail reduction of sentence.

Actually, the fact that the victims of the Armed Robbery were injured should be cause for the court to enhance the sentence that was imposed on the defendant. It is also noted that more than one person was involved in the Armed Robbery. For the reasons given above the sentence of 6 years is grossly inadequate and it ought to be enhanced. It is enhanced to 14 years. The convict will now be required to serve a custodial term of imprisonment of 14 years. It so ordered.

**Pronounced** in open Court this 11th day of April 2003 at  
the Principal Registry, Blantyre.

F.E. Kapanda

**JUDGE**