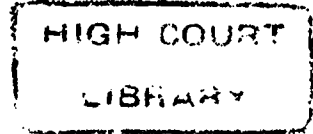




JUDICIARY
IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CRIMINAL DIVISION



Confirmation Case No. 804 of 2017
(being criminal case no. 250 of 2017, SGM, Chisenchere Magistrates' Court)

THE REPUBLIC
versus
LAMECK GIBSON, GIFT PALASIDA & WILLIAM SINGANO

ORDER ON CONFIRMATION
(Justice Kamanga, 11 May 2018)

UPON HEARING the prosecution and reading the record of the case this court agrees with the opinion of the review judge who directed that this matter should be set down to consider enhancing the sentence of 12 months imprisonment that was imposed on each of the offenders for the offence of theft by servant. However, at the time of hearing the matter on 11 May 2018 the communication that the court received from the Prison Service, after they had been served with the production order, was to the effect that the sentences had expired and the offenders had been released by the Inspectorate of Prisons. The prisoners having been discharged, the Malawi Prison Service was not able to produce them for the confirmation hearing;

THIS COURT having proceeded to review the criminal matter it finds that the convictions entered by the lower on each of the defendants for the offence of theft by servant c/s 286 of the Penal Code were appropriate and are hereby confirmed.

HOWEVER this court finds that the sentence of 12 months imprisonment that was imposed on each of the offenders for the said offence was indeed manifestly inadequate considering the circumstances of the case.

THIS COURT reluctantly confirms the lenient sentences for the reason that the review process had delayed and the defendants have already been released from custody upon the expiration of their sentence.

Dated this 11th day of May, 2018 at Chichiri, Blantyre.

Dorothy nyaKaunda Kamanga
JUDGE

Case information:

Mr. Chisanga
Defendant
Ms. Chiusiwa
Ms. Million

Senior State Advocate for the prosecution
Absent
Court Reporter.
Court Clerk.