

**IN THE HIGH COURT OF MALAWI  
LILONGWE DISTRICT REGISTRY**

**CRIMINAL APPEAL NO. 6 OF 2007**

**BETWEEN**

**DOUGLAS NZABVA ..... APPELLANT**

**VS**

**THE REPUBLIC**

**CORAM : HON. JUSTICE NYIRENDA**

: Appellant Unrepresented  
: Mipande Counsel for the State  
L.C. Munyenembe - Court Interpreter

**JUDGMENT**

The Appellant pleaded guilty to a charge of being in possession of Indian hemp which in this country is classified as a dangerous drug under the Dangerous Drugs Act. He was convicted upon admission of the facts in support of the charge as presented by the prosecution before the trial magistrate.

I have carefully studied the plea and the supporting facts and I am of the clear view that the conviction was upon an unequivocal plea. I therefore confirm the conviction.

The appellant mainly complains that the sentence of 36 months imprisonment with hard labour is manifestly excessive for possession of 3240 grams of the drug. Coupled with the fact that the appellant is a young man of only 21 years of age and that he is a first offender I can agree no more just as Learned State Counsel agrees.

I accordingly set aside the sentence of 36 months imprisonment with hard labour and in place thereof sentence the appellant to 24 months imprisonment with hard labour.

**PRONOUNCED** in Open Court at Lilongwe this 16<sup>th</sup> day of April 2007.

**A.K.C. Nyirenda**  
**J U D G E**