



MALAWI

IN THE HIGH COURT OF MALAWI

**PRINCIPAL REGISTRY
CONFIRMATION CASE NO. 822 OF 2004
THE REPUBLIC
Vs
PAULO CHATEPA AND YOHANE GALIMOTO**

From the Second Grade Magistrate's Court Sitting at Mulanje
Being Criminal Case No. 99 of 2004

CORAM: HON. JUSTICE F.E. KAPANDA
Chimbe (Miss), Counsel for the State Advocate
J. Ngware, Recording Officer

Date of hearing : 8th October 2004
Date of order : 8th October 2004

ORDER IN CONFIRMATION

Kapanda, J:

The Defendant, Paul Chatepa and Yohane Galimoto, appeared before the Mulanje Magistrate Court to answer a charge of theft of a goat. It was averred by the State that on 3rd May 2004 the two convicts jointly stole a goat valued at MK1500 the property of the

complainant, Rose Mangulama.

The two readily admitted stealing the said goat. A plea of guilt was therefore entered by the court in quo. Therefore facts of the case were put to each one of them and they all accepted that the facts as narrated by the prosecution were correct. The court accordingly convicted them on their own pleas of guilt and admission of the said facts of the case as being correct. It must also be mentioned that the goat the subject matter of the criminal action was recovered.

The court then sentenced each of the Defendants to a custodial term of imprisonment of fifteen(15) months. The sentences were made effective from the 10th of May 2004 when they were convicted.

The Reviewing Judge was of the view that the sentence of fifteen(15) months is on the higher side considering the fact that the Defendants are young offenders, that the property was recovered and that the conviction was founded on a plea of guilt. Both the State and this court agrees with the sentiments that were expressed by the Reviewing Judge. The sentence ought to be disturbed.

The Defendant have been in custody for almost five(5) months. That is already enough adequate punishment. Accordingly, I will pass a sentence that will result in their immediate release from prison unless they are being held for some other lawful reasons.

Pronounced in open Court this 8th day of October 2004 at the Principal Registry, Blantyre.

F.E. Kapanda

JUDGE