



MALAWI

IN THE HIGH COURT OF MALAWI

**PRINCIPAL REGISTRY
CRIMINAL APPEAL CASE NO. 26 OF 2002
THE REPUBLIC
Vs
LIMBANI NJANJI**

From the First Magistrate's Court sitting at Thyolo
Being Criminal Case No. 101 of 2002

CORAM: HON. JUSTICE F.E. KAPANDA
Phiri (Mrs), Principal State Advocate
Maida (Ms), Official Interpreter

Date of hearing : 11th November 2004
Date of order : 11th November 2004

JUDGMENT

Kapanda, J:

This is an appeal against the decision of the First Grade

Magistrate sitting at Thyolo where the appellants were found guilty of two offences to wit House breaking and theft.

The appellants were jointly charged with the said two offences of housebreaking and theft. They all denied the charges preferred against them and a full trial therefore ensued. At the end of trial the appellants were found guilty of breaking into the house of the complainant and stealing therefrom assorted household items.

The record shows that the complainant's house was broken into and items stolen therefrom on 3rd February 2003. On the following morning the appellants were found on possession of a radio, one of the items stolen from the house of the complainant. The court rightly used the doctrine of recent possession in convicting the appellants. It is for this reason that the appeal herein has no merit and is accordingly dismissed.

Pronounced in open Court this 11th day of November 2004 at the Principal Registry, Blantyre.

F.E. Kapanda

JUDGE