

**IN THE HIGH COURT OF MALAWI
LILONGWE DISTRICT REGISTRY
CRIMINAL APPEAL NO. 138 OF 2007**

BETWEEN

HOPE CHAFUKIRA APPELLANT

-VS-

THE REPUBLIC RESPONDENT

CORAM : HON. JUSTICE A.K.C. NYIRENDA

: Salima, Counsel for the Appellant
Ms Jere, Counsel for the Respondent
Mrs. Kabaghe, Court Reporter
Mr. Kaferaanthu, Court Interpreter

JUDGMENT

The Court will deliver its full judgment in Chambers. It is the finding of this Court upon a careful reading of the lower court record and having listened to the submissions in Open Court on behalf of the appellant as well as the State, the conviction cannot be supported. It is rather sad that the appellant was prosecuted at all. The sentence is also set aside. The money paid by the appellant

as compensation according to the sentence imposed by the Magistrate should be paid back to him.

If there is any money owing between the appellant and the complainant that was clearly a debt which will be served by the appellant in the course of the business contract between the two.

PRONOUNCED in Open Court at Lilongwe this 22nd day of February, 2008.

A.K.C. Nyirenda

J U D G E

