



IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

CONFIRMATION CRIMINAL CASE NO. 842 OF 2007

THE REPUBLIC

VERSUS

DAVID ANTONYO

CORAM: THE HONOURABLE JUSTICE E. B. TWEA

Miss Kunitengo, of Counsel of the State

Accused absent

Mrs S. P. Moyo

RULING

Twea, J

The convict was charged and convicted of theft from a person and sentenced to 2 years imprisonment. The review Judge was of the view that the sentence was excessive.

On confirmation the State submitted that the sentence was not excessive and should be confirmed.

The facts of the case were that the victim, a second – hand clothes vendor came to buy supplies in Limbe. She had a handbag and she wore a scumber in which she put her money. As she left Oyamba shop going toward Mapeto Wholesalers shop she noticed that four boys were following her. She

walked on to a minibus, but one of the boys grabbed her, and the other grabbed her scumber. He searched the pockets and took the money. She grabbed the convict's hand and never let go. As she was pulling him towards Mapeto shop two policemen came and arrested him. They all went to the police station where the complaint was filed. The money, worth K10, 000.00 was not recovered.

I would agree with the State that the sentence is not excessive. The only mitigating factor in favour of the accused is his age. However, he was part of a gang of four that must have been monitoring the complainant when she was buying goods in Oyamba shop. They knew she had money and where she kept it. They gingerly followed her and attacked her at a minibus terminal in full view of the public. These are not thieves that are driven by opportunity. They plan and research their victims. They were confident and daring enough to attack her at a minibus where one would have thought she would have been safe. Further, in spite of being arrested in the execution of the crime, he pleaded not guilty. He did not show any remorse.

This court should not lose sight of the prevalence of such offences in township. Businessmen and shoppers are in constant fear of pickpockets and robbers when shopping in Limbe. It is the duty of the court to protect the public from the likes of the convict, by passing meaningful sentence.

I therefore confirm the sentence of 2 years imprisonment.

Pronounced in Open Court this 27th day of February, 2008 at Blantyre.

E. B. Twea
JUDGE