



IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

CONFIRMATION CASE NO. 1775 OF 2006

THE REPUBLIC

VERSUS

GODFREY MAJAWA

CORAM: THE HONOURABLE JUSTICE E. B. TWEA

Miss Kunitengo, of Counsel for the State

Accused present and unrepresented

S. P. Moyo – Official Interpreter

R U L I N G

Twea, J

This case was set down to consider reduction of sentence. The convicted was charged and convicted for the offence of breaking into a building and committing a felony, to wit, theft, therein. He was sentenced to 2½ years imprisonment.

The trial court when sentencing him took into account his plea of guilty and that he was a young person. However, it also took into account the aggravating factors which were, theft of donated food for the benefit of the poor and vulnerable people, tarnishing the image of the Government and non – recovery of the stolen items: to wit, 15 litres of cooking oil.

The State did not support the reduction. I have considered the factors in mitigation and, in my view, since the Sentencing Guidelines for Magistrates

recommend a starting point of 3 years and a discount of up to one third of the sentence for timely plea of guilty, I would allow one year discount from the starting point. I therefore reduce the sentence to 2 years I.H.L.

I therefore set aside the sentence to 2½ years imprisonment and substitute therefore a sentence of 2 years I.H.L.

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

E. B. Twea
JUDGE