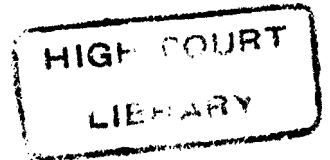


file



JUDICIARY
IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CRIMINAL DIVISION
CONFIRMATION CASE No. 344 of 2012
(being criminal case no. 438 of 2012, SGM, Thyolo Magistrate's Court)

THE REPUBLIC

versus

RODRICK MOLOSONI

ORDER IN CONFIRMATION

nyaKaunda Kamanga, J.

THIS ORDER IS MADE UPON examining the subordinate court's record of the case of this criminal matter in the process of reviewing the conviction and punishment that was imposed on the defendant, Mr. Rodrick Molosoni, who was convicted on his own plea of guilty of the offence of arson contrary to s 337(A) of the Penal Code and was sentenced to 84 months imprisonment. The defendant admitted the facts proffered by the prosecution that during the night of 28th September 2012 he set fire to the house of his former wife after the defendant had locked the house whilst people were inside the building. The defendant claimed that he was bitter because his former wife had found another man and he wanted the new man to construct his own house.

WHILST this court confirms the conviction and;

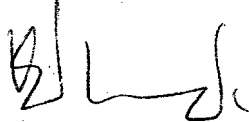
NOTING that although the offender and prosecution are absent from these proceedings this court can exercise its sentencing discretion to reduce the manifestly excessive sentence of 84 months imprisonment with hard labour that was imposed on the convicted offender for committing the offence of arson by the magistrates' court on the grounds that there are several strong mitigating factors in favour of the offender such as being a first time offender and his plea of guilty.

Section 337(A) of the Penal Code provides for the offence of arson and its maximum penalty is imprisonment for life imprisonment. The *Magistrates' Court Sentencing Guidelines*, Malawi Judiciary *Magistrates' Court Sentencing*

Guidelines, (Blantyre: Malawi Judiciary, 2007), suggests the starting point for the punishment for arson as 3 years imprisonment.

IT IS HEREBY ORDERED that the sentence of 84 months imprisonment be and is hereby set aside for being manifestly excessive, in light of the mitigating factors in favour of the convicted offender, and substituted with a term of imprisonment that results in the immediate release of the offender from custody.

Dated this 18th day of December 2017 at Chichiri, Blantyre.



Dorothy nyaKaunda Kamanga
JUDGE

<i>Case information</i>	:	
The State	:	Absent.
The Defendant	:	absent /unrepresented.
Ms. Million	:	Court Clerk