

IN THE HIGH COURT OF MALAWI  
PRINCIPAL REGISTRY  
CRIMINAL DIVISION  
CRIMINAL APPEAL No. 3 OF 2018  
(eCMS 8 of 2018/ CSA/HC/CA/2 /2018)  
(being Criminal Case No. 110 of 2017, SGM, Makande Magistrates' Court)

MAZINGA LUCIANO OFFICE

v

THE REPUBLIC

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ORDER ON APPEAL

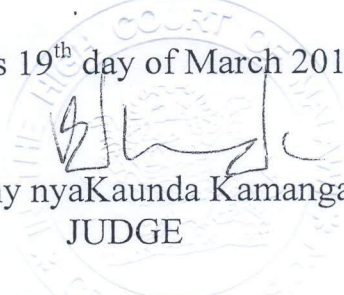
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Upon hearing the appellant and the respondent this court finds that there was insufficient circumstantial evidence for the trial court to convict the appellant for the offence that he was charged with. The evidence in the lower court raised doubts as to whether the cows which were found with PW1 belonged to the complainant and were stolen by the accused person. The prosecution failed to explain how the cows were identified to be those stolen from the kraal of the complainant.

This court allows the second ground of appeal and proceeds to quash the conviction. The accused person having been acquitted the sentence meted out in respect thereof is set aside. Full reasoned judgment is reserved.

Consequently, the accused is to be set at liberty forthwith unless he is otherwise lawfully held.

Pronounced in open court this 19<sup>th</sup> day of March 2018 at Chichiri, Blantyre.

  
Dorothy nyaKaunda Kamanga  
JUDGE

*Case information:*

Date of hearing  
Mr. Lewis Bande  
Mr. Samuel Chisanga  
Mrs. Msimuko  
Ms. Million

27<sup>th</sup> February 2018.  
Counsel for the Appellant.  
Senior State Advocate for the Respondent.  
Court Reporter.  
Court Clerk.