

JUDICIARY
IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CRIMINAL DIVISION

Homicide Cause No. 69 of 2018
(eCMSof 2018)

CHRISTOPHER MBETA

versus

THE REPUBLIC

ORDER ON MOTION FOR BAIL
(Kamanga, J., 27TH February 2018)

UPON hearing the Senior Legal Aid Advocate as well the Senior State Advocate on the applicant's summons for release from pre-trial custody on bail;

NOTING that the brief facts are to the effect that Police Officers from Mulanje District arrested the applicant, alongside four others (one Malawian national and three Mozambican nationals), for allegedly causing the death in May 2017 in Mpote Village in Mozambique of a person with albinism.

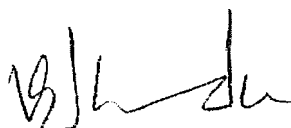
AFTER CONSIDERING the affidavit sworn on 20th February 2018 in support of the application by Mr. Panyanja, the Senior Legal Aid Advocate, and skeleton arguments filed in support of the application and noting that the respondent do not object to the application but state that they intend to charge the applicant and his accomplices under the Trafficking in Persons Act;

FURTHER NOTING that offences under the Trafficking in Persons Act are triable in the subordinate courts, this court is constrained to entertain this application

before the magistrates' court has entertained and refused the same in the first instance: *Sparks Jembe v Rep* [2013] MLR 424.

This court declines to entertain the application and is dismissed. The applicant should proceed to make this application in the subordinate court in the first instance.

Pronounced in Open Court this 27th day of February 2018 at Chichiri, Blantyre.



Dorothy nyaKaunda Kamanga
JUDGE

Case Information :

Date of hearing	23 February 2018
Applicant	present
Mr. Panyanja	Senior Legal Aid Advocate for the applicant
Mr. Chisanga	Senior State Advocate
Ms. Mthunzi	Principal Court Reporter
Ms. Million	Court Clerk.