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JUDICIARY

Confirmation Case No. 405 of 2015

[being criminal case no. 113 of 2015, SRM, Midima Magistrates' Court]

THE REPUBLIC

v

JACKSON MANGOCHI

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ORDER IN CONFIRMATION

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*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. Jackson Mangochi, who was convicted on his own plea of guilty of the offence of robbery contrary to s301 of the Penal Code and was sentenced to 10 years imprisonment. The defendant admitted that while he was in the company of Lesten Brazio, during the night of 13<sup>th</sup> October 2014 at Palm Valley Lodge in Thyolo district they robbed from a male victim several electronic and IT equipment, cash, three suitcases, motor vehicle keys and assorted items to the total value of over K5 million.

WHILST this court confirms the conviction and;

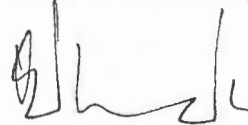
NOTING that although the offender and prosecution are absent from these proceedings this court can exercise its sentencing discretion to reduce the manifestly excessive sentence of 10 years imprisonment with hard labour that was imposed on the convicted offender for committing simple robbery by the magistrates' court on the grounds that there are several mitigating factors in favour of the offender which include: being a first time youthful offender, who was aged 18 years old at the time of committing the offence, and his plea of guilty.

Section 301(1) of the Penal Code provides for the simple form of the offence of robbery and its maximum penalty is imprisonment for 14 years. The *Magistrates' Court Sentencing Guidelines*, Malawi Judiciary *Magistrates' Court Sentencing*

*Guidelines*, (Blantyre: Malawi Judiciary, 2007 at 37), suggests the starting point for the punishment for simple robbery as 5 years imprisonment while the punishment for aggravated robbery can begin with imprisonment for 10 years.

IT IS HEREBY ORDERED that the sentence of 10 years 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 sentence of 7 years imprisonment.

Dated this 8<sup>th</sup> day of June 2018 at Chichiri, Blantyre.



Dorothy nyaKaunda Kamanga  
JUDGE

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