

Republic of Malawi

IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

CIVIL CAUSE NUMBER 385 OF 2020

TIMOTHY MWANYALI

CLAIMANT

AND

NATIONAL BANK OF MALAWI PLC

DEFENDANT

CORAM: JUSTICE M.A. TEMBO

Kumitengo, Counsel for the Claimant
Mnyanga, Counsel for the Defendant
Mankhambera, Official Court Interpreter

JUDGMENT

1. This is the decision of this Court following a trial in this matter on the claimant's claim for damages for false imprisonment, malicious prosecution, defamation and loss of earnings subsequent to the arrest and prosecution of the claimant in relation to money stolen from the defendant's customer's bank account. The claimant also sought costs of this action. The defendant denied the claim.
2. In his statement of case, the claimant indicated on 31st October, 2017, the defendant raised a criminal allegation against him averring that he had indulged in the offence of forgery and theft at the Nchalo Service Centre of

the defendant in Chikwawa district. He indicated that subsequently to the criminal allegation by the defendant against him, he was arrested by the police and was remanded at Chikwawa Prison, where he was incarcerated for prosecution at [Nchalo] Magistrate Court, up to 6th November 2020.

3. He then asserted that upon the defendant's failure to substantiate the criminal allegations he was acquitted by the court. He then asserted that he strongly believes that he deserves to be compensated by the defendant for what he suffered due to the baseless criminal allegation which was raised against him. He indicated that on numerous occasions he approached the defendant to request compensation for what he suffered at the instance of the defendant but the defendant has at all times ignored, neglected or refused to compensate him. He indicated further that all efforts by him to seek compensation from the defendant have proved futile hence the commencement of these proceedings.
4. On its part, the defendant indicated in its defence that it never raised a criminal allegation of forgery and theft against the claimant. It then stated that it reported a matter of fraud on a customer's account as the custodian of the money at Nchalo Police on 24th October, 2018 and the Police carried out their own investigations and consequently arrested the claimant and another suspect on 30th October, 2018. The defendant contended that the Police acted on their own volition to arrest the claimant.
5. The defendant then asserted that the claimant was acquitted after the complainant failed to appear at court. It denied the reliefs sought by the claimant and sought that the claimant's action be dismissed with costs.
6. This Court therefore has to determine whether the claimant has made out his claim for damages for false imprisonment, malicious prosecution and defamation on the allegation that the defendant laid a charge of forgery and theft against the claimant to the Police.
7. In a civil matter like the instant one, the claimant will succeed if he proves his case on a balance of probabilities. See *Nkuluzado v Malawi Housing Corporation* [1999] MLR 302 and *Miller v Minister of Pensions* [1947] All ER 372.
8. In order to prove his case, the claimant testified and called one witness. The defendant brought two witnesses in its defence.

9. In his witness statement, the claimant stated that he was employed by G4s Secure Solutions (Malawi) Limited as a security guard and was deployed at the Nchalo Service Centre of the defendant. He indicated that on 31st October, 2017, the defendant raised a criminal allegation against him saying that he was involved in forgery and theft. And that subsequently, he was arrested by the Police and prosecuted before the Nchalo Magistrate Court.
10. He then stated that at the hearing, the only witness who testified against him was an employee of the defendant by the name of Faison Thomas. He indicated that according to the evidence of Faison Thomas in the lower court, a customer of the defendant named Lucius Chawanda complained to the defendant about money which had been stolen from his bank account and the defendant suspected that the claimant and Jasper Ngwenya were the ones who stole the money.
11. He asserted that at no point did Lucius Chawanda complain against him and Jasper Ngwenya. He added that Lucius Chawanda even refused to come to court to testify against him because he had no evidence to prove that the claimant had stolen the money. He asserted that upon the defendant's failure to substantiate the allegations the lower court acquitted him and Jasper Ngwenya.
12. He then explained that during the time of his imprisonment, remand and trial he was on suspension from his work. He added that he did not only lose earnings but also a lot of resources since his family had to travel to the Police station and prison to visit him and provide him with meals and other necessities.
13. He elaborated that his arrest, imprisonment and prosecution subjected him to public mockery, ridicule and humiliation. And that he was greatly defamed as security sector personnel. He added that despite his acquittal, some people in society still consider him as someone with a criminal record and can no longer trust him as before.
14. During cross-examination, he stated that upon his arrest by Nchalo Police on 31st October, 2017 he gave a statement at the Police Station and that present was Detective Manase of Investigations. He indicated that he was arrested at his place of work. He then indicated that he gave a statement to the Police on 1st November, 2018. He then said that the day he gave his statement there was Jasper Ngwenya present and nobody else from the defendant. He then

confirmed that the Police file shows that Lucius Chawanda was the complainant. He however asserted that he knew that the defendant is the one who complained to the lower court. He added that he has evidence of this being the judgment of the lower court. He insisted that it was not Lucius Chawanda who was the complainant in the matter despite the lower court record showing that the prosecutor told the lower court that Lucius Chawanda was the complainant and did not want to attend the court and so the prosecution was offering no evidence. He insisted that he did not agree with what the lower court record said in that regard and had his own documents that showed the defendant as complainant but he had not brought the documents at the trial herein.

15. He indicated that he did not know that Lucius Chawanda gave a statement to the Police in which he said the claimant knew of Lucius Chawanda's bank account transactions since he used to assist the said Lucius Chawanda on his account transactions.
16. During re-examination, he stated that the defendant complained to the Police in this matter. He then noted that Lucius Chawanda was indicated as complainant in the Police file. He then asserted that Lucius Chawanda did not complain against him but that it is the defendant who did. He then said he does not know why Lucius Chawanda did not attend the lower court when he used to come to the defendant's Bank.
17. He then stated that the defendant's Fyson Thomas showed him MO626, the defendant's mobile banking, documents and forms and insisted that that the claimant filled the said forms and that if the claimant did not accept then he would get him arrested. The claimant asserted that Fyson Thomas then went to Police and that later the claimant was arrested and found the MO626 forms there. He indicated that the Police did not come to the Bank to get the forms.
18. The second witness of the claimant was Japser Ngwenya. In his witness statement, he stated that he was employed by the defendant as a Bank Clerk and was deployed at the defendant's Nchalo Service Centre. He indicated that on 31st October, 2017 the defendant raised a complaint against him that he and the claimant indulged in forgery and theft. He said that subsequently the two of them were prosecuted at Nchalo Magistrate Court.
19. He then stated that at the hearing, the only witness who testified against him and the claimant was an employee of the defendant by the name of Faison

Thomas. He indicated that according to the evidence of Faison Thomas in the lower court, a customer of the defendant named Lucius Chawanda complained to the defendant about money which had been stolen from his bank account and the defendant suspected that him and the claimant were the ones who stole the money.

20. He asserted that at no point did Lucius Chawanda complain against him and the claimant. He added that Lucius Chawanda even refused to come to court to testify against him because he had no evidence to prove that him and the claimant had stolen the money. He asserted that upon the defendant's failure to substantiate the allegations the lower court acquitted him and the claimant.
21. He then indicated that despite the acquittal some people view him as having a criminal record and they no longer trust him as before.
22. During cross-examination, he stated that he was a Bank Clerk for close to eight years. He indicated that he resigned from the defendant because he was called to a disciplinary hearing on a date that coincided with a court appearance before the lower court which he decided to respect.
23. He then stated that the Police arrested him but he does not recall the name of the police officer who arrested him. He indicated that several of the defendant's employees were there when he was arrested but that none accompanied the police to arrest him.
24. He then recalled giving a statement to the Police on 1st November, 2018 and that then there was none of the defendant's employees present. He said he did not recall the Police say that Lucius Chawanda lodged a complaint in September, 2018. He then said he had evidence that the defendant made a complaint against him though he had no such evidence at trial. He also conceded that he was not present when the defendant allegedly made the complaint against him. When referred to the record of the lower court where the prosecutor told the lower court that Lucius Chawanda was the complainant he insisted that there were other factors. He indicated that he was interviewed by the defendant's official after Lucius Chawanda complained but he did not recall the date of the interview.
25. During re-examination, he stated that before his arrest he was told a week earlier by his supervisor that the Police wanted to arrest him. He added that when he was arrested, there was a statement of Lucius Chawanda with a stamp of Counsel Dziwani of the defendant.

26. He then stated that Lucius Chawanda never went to the lower court but that he would see Lucius Chawanda at the defendant's Bank and that issues to do with Lucius Chawanda's logistics for attending court do not hold water.
27. He insisted that it was not true that the defendant did not lay a complaint with the Police. He explained that the defendant's Investigation officer Fyson Thomas did investigations in this matter herein and sent his report to Police and so the defendant laid a complaint at the Police. He added that Fyson Thomas asked someone to check if he was in the office showing more interest on the part of the defendant than Lucius Chawanda. This closed the claimant's case.
28. The defendant then paraded its first witness who was Detective Inspector Manase. He told this Court that he was Criminal Investigation Officer at Nchalo at the material time herein, and that on 19th September, 2018 at Nchalo Police Post a complaint was made by Lucius Chawanda a customer of the defendant. He indicated that the complaint was that a sum of money was stolen from Lucius Chawanda's bank account. He stated that thereafter he launched investigations to find the culprits. He indicated that he asked for information from the defendant so that he could identify the suspects and interview them. He then indicated that in the course of investigations he asked for information from the defendant which was provided by the defendant's Investigation Manager, namely, the claimant's mobile banking application form, bank statement and copies of withdrawal slips prepared by the claimant and by Lucius Chawanda. He explained that upon getting this information it was on 31st October, 2018 when the Police arrested the claimant and Jasper Ngwenya.
29. He indicated that the case subsequently went for prosecution and that he heard the case was withdrawn because the complainant did not appear to testify in court. He elaborated that the claimant as arrested upon the decision of the Police following investigations and after the claimant had a chance to explain his part. He then identified a copy of the statement of Lucius Chawanda made to the Police on 19th September, 2018 and tendered it in evidence. He also tendered in evidence a copy of the statement by the defendant's Fyson Thomas as well as a caution statement he recorded from the claimant.
30. During cross-examination, he reiterated that the Lucius Chawanda was the complainant and complained that his money was stolen from his bank account at the defendant. He indicated that the only suspects he arrested were the

claimant and Jasper Ngwenya. He added that Lucius Chawanda reported theft his money from his bank account to the Police. He added that Lucius Chawanda mentioned the claimant as the one who assisted him with banking transactions. He indicated further that he was not sure this issue was investigated by the defendant before it was reported to Police. He added that Faison Thomas did not tell him that he had investigated the two suspects herein.

31. He then stated that some documents he has tendered herein were authored by others at the Police Station and in his absence. He then stated that he knew Lucius Chawanda wanted the defendant to provide him with transport to go to court but he is the one who complained. He also stated that the defendant's Investigation Manager testified in the lower court.
32. During re-examination, he indicated that the first person whose statement was recorded was Lucius Chawanda, the complainant. And that according to how witnesses were paraded, the first to testify was Lucius Chawanda but he did not attend the lower court that is why only the defendant's Fyson Thomas testified.
33. The second witness for the defendant was Fyson Thomas. In his witness statement, he stated that he is an Investigation Manager at the defendant in its Internal Audit Division. He indicated that his duty is to investigate fraudulent activities at the defendant.
34. He then explained that around September, 2018 it came to the defendant's attention that some fraudsters duped the defendant to process a fraudulent mobile phone banking application on the account of Lucius Chawanda who held an account with the defendant. He added that the processing of the fraudulent application led to the withdrawal of K2 012 300 from Lucius Chawanda's account through mobile banking of TNM Mpamba and Agency banking.
35. He then elaborated that the matter is that Lucius Chawanda holds a savings account at the defendant's Victoria Branch since 1971 and is the sole signatory. He indicated that a few years ago, Lucius Chawanda had some sight challenges as such every time he wanted to do a transaction he sought the assistance of the claimant with most withdrawals at the ATM.
36. He indicated that on 14th September Lucius Chawanda went to Nchalo Service Centre of the defendant to withdraw funds but was surprised to learn from the

claimant that all his funds had been withdrawn through MO626 mobile banking but that Lucius Chawanda insisted that he never applied for MO626 facility. He indicated that after the report was made by Lucius Chawanda, the defendant interviewed all the parties involved including the claimant who was helping Lucius Chawanda with his transactions. He exhibited a copy of his recorded interview with the claimant as FT1.

37. He then explained that the defendant's investigation established that on 22nd August, 2018 its Nchalo Service Centre received a mobile phone banking application form in the name of Lucius Chawanda instructing the defendant to register a phone number on its MO626 facility. He indicated that the application was granted on 4th September, 2018. He indicated further that between 7th and 10th September, 2018 a total of K2 012 300 was withdrawn from Lucius Chawanda's account using mobile banking applications.
38. Fyson Thomas then asserted that after the fraud was discovered, the defendant reported the matter of fraud to Nchalo Police Station. He exhibited a copy of the report he made to the Police as FT2 dated 24th October, 2018 which explained the facts surrounding the theft of the money without pointing any suspect. He indicated that the day he made his report at the Police he was told that Lucius Chawanda had already reported the matter. He elaborated that the Police after conducting their investigation at their own volition arrested the claimant as one of the suspects and that the defendant never laid a charge against the claimant. He indicated that the matter was prosecuted and he was called as a witness but that the case was withdrawn because the complainant Lucius Chawanda refused to appear and testify.
39. He indicated in his supplementary witness statement that after Lucius Chawanda lodged a complaint with the defendant on theft from his bank account, Lucius Chawanda lodged a complaint at Nchalo Police on 19th September, 2018 which he marked as FT3. He indicated that it was not correct that Lucius Chawanda did not complain against the claimant as alleged by the claimant.
40. He then said that the Police verbally asked for information from the defendant on the fraud herein which he provided on 24th October, 2018 as earlier stated. He elaborated that after the reports were made the Police did their own investigations of various people including the defendant's Bank Manager at Nchalo, the claimant and Japser Ngwenya and the complainant. He exhibited

copies of the recorded interviews. And that further, that after the investigations the Police decided to effect the arrests and prosecute the claimant and Japser Ngwenya and called him as a witness at the trial.

41. During cross-examination, he stated that Lucius Chawanda lodged a complaint with the defendant that his money had been stolen from his bank account. He then stated that Lucius Chawanda wanted the defendant to pay him money to go to court. He then indicated that the defendant refunded the money to Lucius Chawanda. He then stated that he did not mention any suspects in his report to the Police after he interviewed the claimant and Japser Ngwenya to verify what happened with the money. He indicated that he did not recall saying in his statement to Nchalo Police that the claimant stole Lucius Chawanda's money.
42. During re-examination, he stated that the stolen money refunded to Lucius Chawanda because according to the defendant's findings Chawanda was not present on the date of the MO626 application so he could not be held responsible for the loss of his money. He then explained that he acknowledged knowing the claimant who had explanation on the matter and Japser Ngwenya who processed the MO626 application. He reiterated that he never said that the two committed the fraud.
43. The parties then made their submissions. The claimant submitted as follows.
44. That the only bone of contention in this matter was whether the arrest and prosecution of the claimant was at the instance of the defendant. The claimant noted that the position of the defendant on this, is that the claimant was arrested by the police on their own volition and that the claimant did not have any hand in it. And that the evidence of the defendant was to the effect that the claimant was arrested when Lucious Chawanda launched a complaint at the police hence the defendant insisted that Lucius Chawanda was the complainant in this matter.
45. The claimant asserted that, observably, Lucius Chawanda was being sponsored by the defendant. And that he was acting on a promise made to him by the defendant and when the defendant failed to satisfy that promise, Lucius Chawanda could no longer play his assigned part in the game. The claimant asserted that the promise made by the defendant to Lucius Chawanda was to send him money in the name transport to court so that he could attend the proceedings. He observed that for whatever reason, the defendant failed to

fulfil this promise and Lucius Chawanda was no longer committed to attend the court proceedings which prompted the State to withdraw the case.

46. The claimant then noted that, ordinarily, a complainant in criminal proceedings does and cannot require any other party to sponsor him with money for transport or any other thing, unless that other party has an interest in the matter. And that as a matter of fact, the duty of bringing witnesses to court is the sole responsibility of the State and in some cases, it is the complainant themselves who shoulder the responsibility of bringing their witnesses to the court. He observed that, it is thus surprising in the present case that Lucius Chawanda as the purported complainant in the criminal proceedings was not willing to sponsor himself and also that the State which gets funding for criminal matters relied on the defendant to make arrangements of bringing him to court to the extent of having the case withdrawn on the basis that the defendant did not arrange for Lucius Chawanda to attend the court.
47. The claimant then indicated that it should also be observed that Lucius Chawanda could neither write nor read, hence he was requesting the claimant to assist him in conducting bank transactions. And that all that he knew was that his money was at the bank. Further, that at no point could he have suspected the claimant to have stolen his money. He argued that, as a matter of fact, their relationship had at all times been cordial. And that the claimant was the only person that Mr Chawanda could trust. Consequently, that every time that he wanted to conduct some banking transactions, he was contacting the claimant who was assisting him properly at a fee. The claimant asserted that there was no way Mr Chawanda could proceed to court to complain against the claimant apart from him being sent by the defendant on promise that he was going to be paid back his money if the matter was reported to police.
48. He then asserted that Mr Chawanda did not have any evidence whatsoever to implicate him as the one who stole that money. And that it is the defendant who professed to Mr Chawanda that the claimant had stolen his money. Further, that it is thus the defendant who raised a criminal allegation against the claimant and informed Mr Chawanda that the claimant had stolen his money. He added that the defendant is the one who sent Mr Chawanda to Police and it is the defendant who claimed to have conducted an investigation

into the matter and established that the claimant stole the money of Mr Chawanda. He argued that this came out clearly in the evidence of Fyson Thomas.

49. The claimant pointed out that the fact that the defendant is the one who raised a criminal allegation against the him is also demonstrated by the conduct of Fyson Thomas. He noted that Fyson Thomas is the only one who testified in the lower court against the claimant. He added that, Fyson Thomas in his evidence, insisted that he himself, and not the police, conducted an investigation which established liability on the claimant. He noted that the purported investigation by Mr Thomas was the genesis of the criminal proceedings against the claimant. And that, unfortunately, the police did not have enough confidence in the said investigation by Mr Thomas. and that this is why the State could not conclude the prosecution of the claimant on this evidence. Otherwise, that if the investigation by the defendant and the evidence of Mr Thomas were to be reliable, then the State could have closed the case in the lower court and expect the court to find the claimant with a case to answer.
50. The claimant then submitted that failure by the defendant to bring Mr Lucious Chawanda in this court as a key witness should be to the detriment of the defence case just as it was also to the detriment of the case for the State in the lower court. He observed that the defendant insisted in the evidence of its witnesses that it is Mr Chawanda who complained against the claimant at the police. But that the said Mr Chawanda was never brought in this Court to make a confirmation about this. He noted that in the lower court, the defendant claims that it was the duty of the State to bring Mr Chawanda as a witness. But that, however, in the present case, it was the sole responsibility of the defendant to bring Mr Chawanda in this Court to verify that he was really the complainant in the lower court. He asserted that, otherwise, any reference to Mr Chawanda in the present case, as made by the other defence witnesses should be considered as mere hearsay evidence which cannot be admitted in this court.
51. The claimant insisted that the fact remains that the defendant raised a criminal allegation against him after the purported investigation by Fyson Thomas. and that the result of the criminal allegation was that the claimant was arrested and maliciously prosecuted at the Nchalo Second Grade Magistrate Court. He

added that the defendant failed to substantiate the criminal allegation raised against him by failing to bring even Mr. Lucious Chawanda who was said to be the complainant in the matter. He then opined that the State found the evidence of Mr. Thomas in the lower court as insufficient for the prosecution of the claimant hence proceeded to have the case withdrawn. He submitted that it is against this background that it is without any doubt that his arrest and malicious prosecution in the present case was at the instance of the defendant.

52. The case of the defendant per its skeleton arguments has been that for the claimant to succeed in his claim for false imprisonment, it must be shown that there was an arrest and that the arrest was at the instance of the defendant, in this case National Bank of Malawi plc. And that the same can be proved by the particular words or actions used to effect the arrest.

53. The defendant noted that in *Chimtendere v Buroughs* [1981-83] MLR 215 Skinner J, as he then was, stated that false imprisonment will have to be proved where:

The defendant, acting through its servants or agents, ordered the police to arrest the plaintiff, it is imprisonment by the defendant as well as the police and is ground for an action of trespass against the defendant, but if the defendant merely stated the facts to the police, who on their own responsibility took the plaintiff into custody, this is no imprisonment or trespass by the defendant. It comes down to this; if the defendant's servants made a charge on which it became the duty of the police to act, then it is liable, but it is not liable if they gave information and the police acted according to their own judgment.

54. The defendant observed that this position of the law was emphasized in *Press (Farming) Ltd v Issat* [2000-2001] MLR 373 where the court said:

The crucial thing in an action for false imprisonment is whether the defendant, his servant or agents, made a charge against the plaintiff on which it became the duty of the police to arrest. If the defendant made such a charge, then he is liable. He is however not liable if he merely gave the information, or merely stated the facts and the police acted according to their own judgment.

55. The defendant observed further that, in determining whether the defendant is liable for false imprisonment, the court will consider the circumstances which

led to the arrest. And that in the case of *Kaisi v Registered Trustees of Blantyre Adventist Hospital* [1996] MLR 97 at 103 the Court stated that:

The determination whether a defendant made a charge or merely offered information to the police was a factual matter... that all the evidence had to be considered with religious care. Thus the court should not only look at what the reporter said, but also the manner in which the reporter has acted as a factor to be taken into account in determining whether such a reporter merely gave information or whether he procured or directed the police to effect the arrest.

56. The defendant also indicated that it is accepted that conveying one's own suspicion to the police, who, on their own responsibility, take the claimant into custody, is not making a charge. But that, however, where the defendant, acting through their agents or servants, orders the police to arrest the claimant, it is imprisonment by the defendant as well as the police. See *Kadango v Stagecoach Malawi Ltd* [2000-2001] MLR 182.
57. The defendant submitted that the claimant's arrest was not at its instance as the claimant would want this Court to believe. The defendant contended that they merely gave information to the Police, who according to their own judgment of the given facts arrested the claimant.
58. This Court observes that, there is no doubt that the claimant was arrested, imprisoned and prosecuted. The question is really whether this happened at the instance of the defendant.
59. Upon an examination of the circumstances as disclosed by the evidence in the present matter, this Court agrees with the defendant that, contrary to the arguments by the claimant, the Police arrested him upon their own investigations and not at the instance of the defendant. The evidence shows that the defendant only reported to the Police the facts surrounding the fraud involving Lucius Chawanda's bank account at its Nchalo Service Centre and no one was fingered as a suspect. The claimant was never mentioned by the defendant as a suspect in the fraud and theft. The Police carried out their own investigations upon the report by the defendant and upon a complaint laid earlier by the Lucius Chawanda and arrested the claimant and prosecuted him.
60. This Court has noted the assertions made in submissions by the claimant that the defendant sponsored Lucius Chawanda and promised him transport

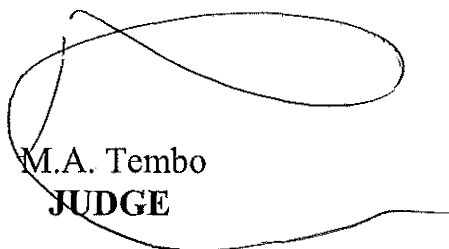
money. There is however no evidence to support this assertion expressly or by implication. It is not clear why Lucius Chawanda wanted money for him to attend before the lower court. Similarly, there is no evidence that the defendant sent Lucius Chawanda to report to the Police about theft of his money or that he was in very good terms with the claimant that he would not have gone to Police to report about the theft of his money as he evidently did in this matter. The fact that the defendant's Fyson Thomas testified in the lower court at the criminal trial of the claimant does not detract from the fact that the Police decided to arrest and prosecute the claimant upon finalizing their investigations and the defendant cannot be held liable for that.

61. This Court further noted the contention by the claimant that the defendant ought to have called Lucius Chawanda in this matter and that by failing to do so negative implications must be made against the defendant that it is the one that lodged a complaint against the claimant. This Court observes that in fact it was not necessary for the defendant to call Lucius Chawanda given that the defendant satisfactorily explained by way of evidence of Fyson Thomas and the Police Detective how the entire matter of the investigation was done and how the Police eventually decided on their own to carry out the arrest of the claimant and prosecution. No negative implication is called for against the defendant in the circumstances for not calling Lucius Chawanda as its witness.
62. In the foregoing circumstances, contrary to the submissions by the claimant, the defendant never reported to the Police that the claimant committed the offence of forgery and theft. The Police upon their own investigations decided to arrest the claimant and prosecute him on the alleged charges of forgery and theft. Whatever followed cannot be pinned on the defendant. In such circumstances, the defendant cannot be held liable for the alleged false imprisonment, malicious prosecution and defamation at all as was decided in the case of *Chimtendere v Buroughs* [1981-83] MLR 215.

63. The claims for false imprisonment and the alleged malicious prosecution and defamation that allegedly followed therefore fail.

64. Costs normally follow the event and shall be for the defendant.

Made at Blantyre this 16th September 2022.



M.A. Tembo
JUDGE

