



IN THE HIGH COURT OF MALAWI

LILONGWE DISTRICT REGISTRY

CIVIL DIVISION

CIVIL CAUSE NUMBER 760 OF 2020

BETWEEN

DINGANI SOKO..... CLAIMANT

-AND -

NORMAN CHISALE.....DEFENDANT

CORAM:

Brian Sambo, Assistant Registrar

Mr. K.B. Soko/Mrs. Liabunya, of counsel for the Claimant

Mr. C. Gondwe, of counsel for the Defendant

Mr. G. Kumwenda (Law Clerk)/Mr. H.L. Matope (Court Clerk), Official
Interpreters

ORDER ON ASSESSMENT OF DAMAGES

Dingani Soko vs Norman Chisale, Civil Cause Number 760 of 2020

BACKGROUND

The present assessment follows the ruling by Hon Justice W.Y. Msiska made on the 24th of February, 2022, striking out the Defendant's defence and entering judgment for the Claimant.

Going by the Claimant's Statement of Claim, the judgment above was entered for the following;

- i. Damages for assault
- ii. Damages for false imprisonment
- iii. Aggravated damages
- iv. Punitive damages and
- v. Costs of this action.

On 22nd March, 2022 I finished receiving evidence on assessment, and parties were given 14 days during which to file their closing submissions. They did, and I will reflect on them when time comes, but before then, let me turn to brief facts of the matter.

BRIEF FACTS

The facts of this case are these. On 22nd November, 2018 the Claimant and the Defendant met at the round about which connects Mzimba and Paul Kagame Highway in the city of Lilongwe, each driving his motor vehicle. The round-about was chocked with cars, and the Defendant drove his motor vehicle in such a manner that had displeased the Claimant. To show his displeasure, he drove abreast with the Defendant's motor vehicle and remonstrated with him through his vehicle window about the reckless manner in which he was driving his motor vehicle on a public road. This did not go well with the Defendant; he followed the Claimant to his place of work (Council for Higher Education at Area 47/2/377) and confronted him. Later on four police officers, at the report made by the Defendant, arrested the Claimant and took him to Lingadzi Police Station for 3

hours. The Claimant was arrested in the presence of his workmates and colleagues. Now the Claimant prays for damages in the categories listed above.

EVIDENCE

The Claimant was the only witness in his case. He adopted and tendered his Witness Statement (Marked PEX 1) and sought an amplification to the extent that the Defendant was driving a Toyota Prado approaching the same roundabout, coming from the direction of Lilongwe Hotel. He hooted in order to alert him of his presence in the roundabout but he did not yield. Instead, he violently entered the roundabout and stopped in its middle. The Claimant swerved to the left in order to avoid hitting his vehicle as it had blocked his way, as he was heading towards Lingadzi Inn. He said, he then drove parallel to the Defendant's vehicle, rolled down his window and asked him as to why he was driving his motor vehicle so inconsiderably when he was not actually the one with the right of way. At that, the Defendant asked him as to whether he knew what/who he was. In response, the Claimant said he did not know him, and that what he was had nothing to do with the use of the public road, and that the Highway Code applied to all road users irrespective of who or what they were. He said, realizing that the Defendant was without remorse, and that there were other road users, he left him and drove straight to his office located at Area 47/2/377 along Msokera Road. He said, to his surprise, the Defendant followed him with his gun. He drew his gun and threatened to shoot at him and the guards at his office. He told the court that he became afraid and he had to retreat and seek refuge in his senior colleagues' office. He said he was finally arrested and detained at Lingadzi Police Station at the instruction of the Defendant, and then released three hours later at the direction of the same Defendant. He went on to testify that as a result of the gun that was waved at him, he felt traumatized as he was afraid for his life. That the police custody at Lingadzi Police Station was also emotionally and mentally tormenting to him as he did not understand why he was detained for the traffic wrong committed by the Defendant. He said he was also forced by police officers at Lingadzi Police Station to apologise to the

Defendant when he had done nothing wrong, simply because the Defendant was the State President's Body Guard. He further told the court that owing to this incident he failed to attend a family funeral, and this was also emotionally traumatizing. He added that he believed that the Defendant's actions were actuated by spite towards him and intended to humiliate him in the presence of his workmates and colleagues. That by directing the police to detain him, the Defendant thought himself as being above the law, and he subjected him to ridicule and contempt in the presence of his colleagues.

During cross examination, he told the court that it was true that he was also driving his motor vehicle heading towards Lingadzi Inn. He said he met the Defendant at Amina Roundabout around 9 O'clock in the morning. He said he saw a Toyota Land Cruiser being violently driven into the roundabout but he did not know it was Mr. Norman Chisale. He said he had never talked to the Defendant; it was his first time to do so after he had seen him how he drove his vehicle without considering other road users. He said in his testimony he told the court that he swerved to the left side of the road in order to avoid colliding with the Defendant's motor vehicle. He said he hooted at the Defendant to stop him from blocking his path, as there were several other road users in the roundabout but the Defendant never yielded, and this caused him to swerve to the left side of the road in order to avoid hitting his vehicle. He continued to tell the court that he drove parallel to his motor vehicle and spoke to the Defendant through his window in a local dilate, "*Kodi mukuyendetsa bwanji galimoto yimeneyi?*", and the Defendant immediately replied, "*Ukundidziwa inel*" To this the Claimant replied, "*Sizilindintchito kuti ndinu ndani...koma pa mseu pali malamulo ake*". He said it took him less than 15 seconds to dialogue with the Defendant at the roundabout. He could not remember the number of minutes it took him to reach his office at Lingadzi Inn. He told the court that the Defendant later followed him to his office where he threatened his security guards with his gun. He said the guards belonged to G4S Security Company, and he did not know where they were. He said the guards were terrified, and they screamed and

hid in the reception area. He said he immediately informed his supervisor about the incident and the coming of the Defendant to his office with a rifle. He told the court that he failed to attend to the family funeral because the police were looking for him, as the Defendant had already reported him. He said he went to Lingadzi Police Station where he was detained close to 4 hours. He said he did not apologise to the Defendant as he had not done anything wrong to him. He told the court that he was a lay person, and he did not know what constituted an arrest under the laws of Malawi.

In re-examination he said he first went to the family funeral at 10 O'clock in the morning but did not stay there for more than 30 minutes as he was informed that the police was looking for him. That upon arriving at his office, he found 3 police officers waiting for him. That he then went to Lingadzi Police Station in company of the three police officers.

The defence had two witnesses; the Defendant himself and Mr. Munthali, the Assistant Commissioner of Police stationed at Ntcheu Police Station.

The first defence witness was Mr. Norman Chisale. He adopted and tendered his witness statement (marked DEX 1) as part of his evidence.

In cross-examination, he told the court that in November, 2018 he was working as a Security Officer at the State House; as Director of Security Services. He had been holding this position since 2014. Prior to 2014 nobody was holding this position. That he was a common feature when the State President was travelling. He said he had been with the Democratic People's Party since 2012 to the time the new government took over in 2020. He admitted to have been the State President's most prominent aid. He however denied to have been the State President's most powerful aid. He told the court that his job required him to bear weapons; usually concealed ones such as pistols and other types of riffles. That the motor vehicle he was driving at that time had an MG registration number, but he could not remember its exact number as the State House's Policy required changing of motor vehicle registration numbers every time and again. That he

had been driving for well over 30 years; since 1992; even before he had joined the military. He first drove cars before going to the driving school but later he was restrained after joining the Armed Forces. That he knew the provisions of the Highway Code. He said, at a roundabout he knew pretty well when to give way and when not. He knew that whenever there was a motor vehicle in the roundabout he had to give way; and proceed when it is clear; and that the waiting part depended on situations at hand. On that day there were several other vehicles inside the roundabout, and the Claimant surfaced from behind him and drove side by side with him, and began talking to him through the window. That there were no instances one could enter the roundabout anyhow. He said the state president and the citizens follow the same Highway Code. He admitted that it was not customary that the Deputy Inspector General of Police would adhere to his instruction. That the Claimant appeared from behind and started shouting at him through the window of his vehicle. He said he did not figure out how the Claimant had maneuvered and came to the left side of his vehicle when the roundabout was full of motor vehicles. That by asking the Claimant, *"Do you know who/what I am?"* he did not mean to say, *"Do you know the person you are trying to mess up with?"* He told the court that it was the Claimant who first insulted him, *"Stupid!"* and he spoke to him in a local dilate, *"Mumatukwana munthu yemwe simukumudziwa?"* That he simply wanted the Claimant to come to his senses that it was not good for him to abuse people he did not know. He denied to have said those words because of power. He knew that all traffic offences were being reported to the traffic police department, but he decided to report to the Acting Inspector General of Police, Mr. Duncan Mwapasa because he saw his missed calls on his phone, and he had to call back. He missed his calls because of the incident at the roundabout. That Mr. Mwapasa never handled the matter. He denied having made an order to Lingadzi Police Station that Mr. Soko should be detained. He said the police at Lingadzi asked him to drop the charges against the Claimant because of his position as well as his own position. He wanted the Claimant to apologise to him for humiliating him on the

road for no apparent reason. He further told the court that the Claimant insulted police officers at Lingadzi Police Station. That he was told that the police went to the Claimant's office to pick him, and he knew that if someone has been brought to the station by the police he could not leave at his own free will.

The second defence witness was Mr. Julius Munthali, the Assistant Commissioner of Police and Officer In-Charge (OC) at Ntcheu Police Station. He adopted and tendered his witness statement as his evidence. His Witness Statement was marked DEX 2.

During cross examination he told the court that the Defendant was a presidential security officer at the time the incident happened. He said the incident happened at Area 18 Roundabout. That if the Defendant said it happened at Amina Roundabout, he may have forgotten but the truth was that it happened at Area 18 Roundabout. That the report about the incident found him through late Madam Brenda, who was Officer In-Charge at Lingadzi Police Station at that time. He said it was the Defendant who went to Lingadzi Police Station to complain against the Claimant. That par. 6.4 of his witness statement was also true that it was the OC who first called him, and later the Defendant came. That it was also true, according to par. 6.5 of his witness statement that he summoned the Defendant in order to obtain more details from him. He went on to tell the court that this was a referred matter in that it was the OC who first called him and he then summoned the Defendant for further details of the incident. He said the Defendant never complained to him but he only summoned him to the Police Station. He denied to have been an investigator in the matter; and added that the matter never even went up to investigation. He only summoned the Defendant, and instructed other police officers to summon the Claimant. He said he did not have the details of the Claimant at that time hence the detailing of 3 police officers to go and summon the Claimant. He told the court that the 3 police officers went to summon the Claimant, and returned to the station by the Claimant's motor vehicle. That he was not aware that the 3 police officers had actually 'jumped' on board the Claimant's vehicle. He told the court that the

Defendant was the first to come to the police station. That when the Claimant arrived at the station, he invited both of them into the OC's Office to learn what had happened. He did not record the Defendant any statement. He denied having advised the Defendant to drop the charges against the Claimant, but that the Defendant himself voluntarily dropped them. He denied that the Claimant was detained at the police, and that Counsel Hilda Soko asked for bail for the Claimant. He also denied having told Counsel Hilda Soko that the matter committed by the Claimant was unbailable. He admitted that Counsel Khumbo Soko was referred to the Acting Inspector General of Police, Mr. Duncan Mwapasa because the matter concerned the president's top security aid, and also the Claimant who was also holding a high position in another public board. He said it was a practice within the police system that matters involving top officials should be referred to top police officials for better inquiry. He however added that not all matters involving top officials were being referred to top police officials, but that some of them were being dealt with at the station. He said counsel Khumbo Soko never requested for the Claimant's release at the Acting Inspector General of Police's office, but that he went there because he said they were friends. He said the Claimant was never detained but insisted to remain within Lingadzi Police Station until his lawyer, Mr. Khumbo Soko arrived. He told the court that the Claimant remained in the police campus for 30-40 minutes before he finally left with his lawyer. That he received a phone call from the Acting Inspector General of Police informing him that the Claimant was going to leave once his lawyer, Mr. Khumbo Soko arrived at Lingadzi Police Station. He said he could not remember the exact time the AIG called him. He denied that the Claimant was ever under arrest, but that he was the one who had ushered him out of the OC's Office to the veranda, as he would not have remained in the OC's Office. That it was someone's office and not his. He finally said he was not sure whether it was normal or not to refuse to leave the premises of the police after having been told so.

ISSUE

The hearing was conducted in order to assess the appropriate level of damages payable by the Defendant under the heads specified above.

DETERMINATION

I will not have done well to proceed without extending my sincere gratitude for the legal counsel I have received on this matter. I thus would like to thank Counsel Khumbo Soko and Counsel Chancy Gondwe for the guidance given, and the submissions made in favour of their respective cases. Where appropriate, I will reflect on them in my assessment. Let me also thank the three witnesses who took their respective turns to enlighten the court of the events surrounding this matter. I believe such testimony will go a long way to ease the task of this court in assessing the appropriate level of damages.

I should also point it out at once that this matter has passed the stage when liability should be contested. I should therefore not allow either of the parties to take a second bite of cherry on the same for this is a special preserve for the judge to do so. The record is in front of me; both parties had the opportunity to do so before the honourable judge. If the defence had lost the opportunity to share its facts because of filing a general denial, there should be no attempt to utilize the assessment court to revive issues of liability at this stage. I believe, as an assessment court, I truly need evidence but only for purposes of coming up with an appropriate quantum of damages and nothing more.

Turning to the issue at hand, the law requires that the victim should prove that he indeed incurred or suffered some damage and that the defendant was the cause of his injuries. Once that has been done, the duty remains with the court to assess the extent to which the victim should be compensated. This follows the cardinal principle of **restitution in integrum** which simply means to be compensated as far as money can do; the law will try to place the injured person in the same condition he was before the accident had happened. See **Black's Law Dictionary 9th Edition p1428**.

Dingani Soko vs Norman Chisale, Civil Cause Number 760 of 2020

It is also true that unliquidated or general damages are difficult to assess. However, it has been held in **Raninger Simbeye vs. Chibowa & another Civil Cause No. 58 of 2012**, that the only possible way to circumvent to these difficulties is to seek guidance from decided cases of a comparable nature. And that in doing so, the court bears in mind the devaluation of the Malawi Kwacha that has obtained since the awards in those comparable cases were made.

To that end, it is clear that assessment of damages is left to the court's discretion. See **A.E. Kagwale v Attorney General** Civil Cause NO. 529 OF 2007. And the damages are awarded to compensate the plaintiff in so far as money can do it. See **Benson Nakununkhe v. Paulo Chakhumbira and Attorney General** Civil cause No. 357 of 1997 (Unreported). The extent of that compensation must be such that members of the society will be able to say that the victim has been well compensated. To do that it is desirable that as far as possible comparable injuries should be compensated by comparable awards. See **A.E. Kagwale v Attorney General** (Above-cited).

SUBMISSIONS BY THE PARTIES ON QUANTUM

Counsel for the Claimant, after citing a number of case authorities, which I will not reproduce, for purposes of good case management, as they are on record, proposed as follows:

- i. MK4,500,000.00 being damages for false imprisonment
- ii. MK1,500,000.00 as damages for assault
- iii. MK10,000,000.00 as exemplary/punitive damages and
- iv. MK4, 000,000.00 being aggravated damages.

On the other hand, counsel for the Defendant was of the view that the propositions by the Claimant were inflated, and he counter-proposed as follows:

- a. MK700, 000.00 as damages for false imprisonment on the basis that the Claimant was not detained in the cell, according to him.
- b. MK900, 000.00 being aggravated and exemplary damages.

The Defendant further prayed that the Claimant should not be awarded more than MK1, 600,000.00 in the circumstances.

SUITABLE ASSESSMENT APPROACH

Considering the submissions above, it is clear that Counsel for the Claimant wanted the assessment to be conducted on 'each issue-based' approach. In other words, he wanted the court to make separate awards; on each head. As for the defence, Counsel for the Defendant favoured the 'combined-issue' approach. The former approach is in favour of judicial accountability and transparency but usually a greater recipe for over-compensation. Courts have usually avoided the approach where issues for which compensation is being sought are similar or closely connected. It is my considered view that the 'combined-issue' approach is more appropriate in the present matter because certain issues/heads are a bit connected to each other. For instance, the issue of assault is connected to that of false imprisonment in the circumstances at hand, whereas the head of aggravated damages is closely removed from that of punitive/exemplary damages.

I shall therefore go for the Defendant's approach.

DAMAGES FOR ASSAULT AND FALSE IMPRISONMENT

Damages for false imprisonment are generally awarded for the non-pecuniary loss of dignity. The principal heads of damage appear to be the injury to liberty i.e. the loss of time considered primarily from a non-pecuniary viewpoint, and the injury to feelings i.e. the indignity, mental suffering, disgrace, and humiliation with any attendant loss of social status. In addition there may be recovery of any resultant physical injury or discomfort, as where the imprisonment has a deleterious effect on the claimant's health. (See **McGregor on Damages** 16th Edition para. 1850-51).

Damages for false imprisonment however need not be made exclusively on consideration of the time factor. See **Fernando Mateyu v. Atupele Haulage Ltd**

Civil Cause NO. 906 of 1993 (unreported). In **Donald Ngulube v. Attorney General** civil cause No 1569 of 1993 Mwaungulu Registrar as he then was had this to say;

"In relation to time I would say that longer imprisonment, in the absence of alternative circumstances, should attract heavier awards, shorter imprisonment in the absence of aggravating circumstances should attract lighter awards. What should be avoided at all costs is to come up with awards that reflect hourly, daily and monthly rates. Such an approach could result in absurdity with longer imprisonments and shorter imprisonments where there are assimilating or aggravating circumstances. The approach is to come up with different awards depending on whether the imprisonment is brief, short or very long etc. and subjecting this to other circumstances."

In **Lightwell Mphulama vs Attorney General**, Civil Cause No. 1970 of 2008 (unrep), the detention was for 7 days and he was awarded MK700, 000.00 in 2019.

In **Crispin Kaledzera, George Mwase and Sande Mkwamba vs. Attorney General**, Civil Cause Number 2578 of 2009. The detention was for 40 days and an award of MK300, 000.00 was made in 2015

In the case of **Mbambo v Robrory, Civil Cause No. 296 of 2015** where similar circumstances occurred, a sum of **K1, 350, 000** was awarded in 2018.

In the instant case, the Claimant prayed for MK4, 500,000.00 as damages for false imprisonment. Considering the awards made in the cases cited above, the amount is obviously much on the higher side considering the time the Claimant spent under custody. He was in police custody for about 3 hours. I have also considered the issue of mitigation of damages. There is evidence that the Claimant was released much earlier from Lingadzi Police Station but he insisted to stay on until his counsel came. By remaining in police custody, even after he

Dingani Soko vs Norman Chisale, Civil Cause Number 760 of 2020

was duly set free, he had, basically fallen short of the said mitigation. He had essentially contributed to his own prolonged detention, and that should not be entirely resolved at the expense of the Defendant.

However, there are aggravated factors in this matter. The Claimant was forced into police custody for no apparent reason. For a mere traffic offence, if ever there was any offence committed by him, about 3 police officers were deployed to summon him to Lingadzi Police Station. Ordinarily, this should have been a matter to be handled by an ordinary traffic police officer but because it concerned the Defendant, and that the Defendant was the one who had reported it, who was at that time, lead security officer to the sitting State President, it was as if the Claimant was already found guilty, and top police officers such as the Acting Inspector General of Police found themselves handling this matter notwithstanding the fact that it was the Defendant, according to the evidence on record, who had inconsiderably driven his motor vehicle on busy roundabout. Under these circumstances, it should not really matter whether the Claimant had spent only a few minutes or indeed an hour in the police custody. His right to liberty was taken away in circumstances he should have been treated in a professional manner. I have already said it elsewhere in my assessment that time is not the only factor that guides the court on the level of damages to award. Circumstances also do play a major factor.

I therefore award the Claimant damages for false imprisonment and assault as prayed.

AGGRAVATED AND PUNITIVE DAMAGES

The Claimant also prayed for aggravated and punitive/exemplary damages. According to **Mwaungulu v Malawi News and Others** (1994) MLR 227 (HC), it is settled that exemplary damages are those damages which are awarded to a successful Claimant over and above compensation damages including

aggravated damages. Exemplary damages are punitive in nature. Their function is to punish the Defendant for the wrong he has committed and to deter him from committing the tort in future. They are intended to warn the Defendant that tort does not pay. When awarding compensatory or aggravated damages courts turn their attention to the Claimant and consider what material loss or injury to his feelings he has suffered. The sum awarded is intended to repair the harm done. When awarding exemplary damages courts turn their attention to the Defendant. They consider how much he should pay in excess of compensatory and/ or aggravated damages in order to punish him for the tort he committed. See **Mwaungulu v Malawi News and Others** (*supra*).

The court in **Mwaungulu v Malawi news and others** (*supra*) went further to say that it is the function of criminal law to punish and deter wrongdoers. The function of civil law is to compensate a Claimant for the damage suffered. It is clearly a usurpation of the function of criminal law when the law of tort sanctions the award of damages which are punitive and deterrent in nature. Again, the claimant does not deserve that part of damages which represents punishment. He is adequately compensated by compensatory or aggravated damages where the tort committed by the defendant was aggravated by factors such as arrogance or malice on his part. The damages which are awarded in excess of compensatory or aggravated damages are clearly a windfall to the plaintiff.

In **Rookes v Banard (1994) AC 1129 Lord Devlin** restricted the award of exemplary damages to the following categories:

1. Where the conduct of government servants is oppressive, arbitrary or unconstitutional.
2. Where the defendant calculates that the profit or other material gain which he will make by committing the tort outweighs the risk of payment of damages to the plaintiff.
3. Where they are authorized by statute.

Exemplary damages must be specifically pleaded. In **Press (Farming) Ltd V Issat** (2000 – 2001) MLR 373 (SCA) the court stated:

There is plenty of authority for the proposition that a plaintiff need not specifically pleaded general damages or particulars thereof: see paragraph 18/12/19 of the Supreme Court Practice. 1995 edition. It is trite that special damages however, must as a rule, be specifically pleaded. Exemplary damages are one example of special damages that must be specifically pleaded, together with the facts on which the party pleading relies: See paragraph 18/12/6 of the Supreme Court Practice, supra.

Again, in assessing the award, I have to take into account the status of the Claimant, his position and standing, the nature of the tort and the mode and its extent. See Lord Reid in **Cassell and Company Limited v Broome** [1972] 1 All E.R. p.

In the present case, the Defendant, without doubt, behaved in a high-handed malicious and oppressive manner in committing the tort herein. It was an absolute abuse of his position to invite and use high profile police detail for a mere traffic mishap, if the mishap ever happened. It is clear that he behaved in that way because of the position he was holding as a top presidential security officer of the time for the then sitting head of state. During cross examination by Counsel Khumbo Soko, the Defendant tried to resist his questions that intended to point at the fact that he asked the question “Do you know who I am?” to the Claimant to simply show the Claimant that he was not an ordinary man or that he was not a man the Claimant ought not to have questioned his driving manner or that he was a man the Claimant was not supposed to mess up with. From the evidence on record, it is without doubt that the Defendant so asked or conducted in such a manner because of his position at that time.

This court takes judicial notice that it is normal and common for drivers to reprimand each other on the road, and in the course of inconsiderate driving, no wonder when the Claimant talked to the Defendant through his car window he

proceeded to go to his office, and never thought that the Defendant was going to build a storm out of that cup.

As a further proof that the Defendant was bent to abuse his position, he reported the matter to the then Acting Inspector General of Police, Mr. Dancan Mwapasa, and then the matter went to the Senior Superintendent of Police, Mr. Julius Munthali and then to the Officer In-Charge, late Miss Brenda. The question is why did such a simple and cheap traffic matter (if any) by-pass the Road Traffic Police and take that unprecedented route? Even if there was use of insulting language by the Claimant, as the Defendant alleged, it was still not a matter of the Inspector General of Police. Obviously, the Defendant took advantage of his position to involve all those high profile authorities.

During his evidence, Mr. Munthali told the court that he was the one who had summoned the Defendant but he assigned junior police officers to be the ones to summon the Claimant, and this is a clear indication that power relations were at play. Actually, the Claimant was not summoned by a mere message but 3 police officers went to bring him to the police station.

There is also undisputed evidence that the Defendant produced a gun and waved it to the Claimant and his security guards in a bid to cause fear and alarm to the extent that the Claimant and his guards had to seek refuge in other people's offices. It is heartrending to learn that such things still happen in a democratic country. During his evidence, the Defendant alluded to the fact that his prevailing job required him to bear fire arms. As a court, I take judicial notice that guns are not provided to presidential security detail for purposes of intimidating others. By using it so wrongly, the Defendant had extremely abused the privilege he had to bear arms. All this conduct justifies aggravated and exemplary damages.

As a court of law, our view is that all citizens in the country should be treated equally under the law irrespective of their positions in society. The police too should learn to treat everyone with the highest level of professionalism,

impartiality and independence. Those in power should really learn to respect the police, and never attempt to topple or lure them into performing their selfish intentions.

It is pleasing to learn from the evidence on record, that the then Acting Inspector General of Police, demonstrated that professionalism by relaying the matter back to his juniors at Lingadzi Police Station; knowing it was not for him to do so.

Nevertheless, the manner in which the Defendant had conducted himself in the present matter really calls for aggravated and punitive damages. I therefore award them to the Claimant.

CONCLUSION

Considering the evidence on record and the circumstances of this case, the Claimant is awarded as follows:

- i. **MK3, 500,000.00** being damages for false imprisonment and assault.
- ii. **MK6,500,000.00** being aggravated and punitive/exemplary damages

In total, the Defendant shall pay the sum of **MK10, 000,000.00**. This whole amount has to be paid within 14 days from today.

Costs are for the Claimant, and shall be assessed separately if not agreed by the parties.

Made in chambers today Tuesday the 10th of May, 2022.


Brian Sambo
Assistant Registrar

Dingani Soko vs Norman Chisale, Civil Cause Number 760 of 2020