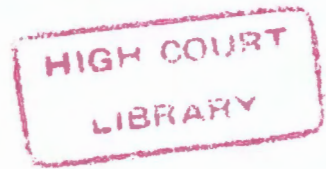




JUDICIARY
IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CRIMINAL DIVISION

Confirmation Case No. 754 of 2017
(being criminal case no. 25 of 2017, SRM, Midima Magistrates' Court)



REPUBLIC
versus
PIASI MAYENDA

ORDER ON CONFIRMATION

(Justice Kamanga, 11 May 2018)

UPON HEARING the prosecution and reading the record of the case this court agrees with the opinion of the review judge who directed that this matter should be set down to consider enhancing the sentence of 12 months imprisonment for buggery. However, at the time of hearing the matter on 11 May 2018 the communication that the court received from the Prison Service, after they had been served with the production order, was to the effect that the sentence had expired. The prisoner having been discharged, the Malawi Prison Service was not able to produce him for the confirmation hearing;

THIS COURT having proceeded to review the criminal matter it finds that the conviction entered by the lower on the defendant for the offence of buggery c/s 153(a) of the Penal Code was appropriate and is hereby confirmed.

HOWEVER this court finds that the sentence of 12 months imprisonment that was imposed on the offender for the offence of buggery was indeed manifestly inadequate considering the circumstances of the case.

THIS COURT reluctantly confirms this lenient sentence for the reason that the review process had delayed and the defendant has already been released from custody upon the expiration of the sentence.

Dated this 11th day of May, 2018 at Chichiri, Blantyre.

Dorothy nyaKaunda Kamanga
JUDGE

Case information:

Mr. Chisanga
Defendant
Ms. Chiusiwa
Ms. Million

Senior State Advocate for the prosecution
Absent
Court Reporter.
Court Clerk.