

Duplicate



**IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL CAUSE NO. 182 OF 2015**

**BETWEEN
SHEPHERD MUMBA
AND
THE DIRECTOR OF THE ANTI-CORRUPTION
BUREAU**

PLAINTIFF

DEFENDANT

**Coram : MATAPA KACHECHE Assistant Registrar
Masiku Counsel for the plaintiff
Bandawe Counsel for the defendants**

ORDER ON ASSESSMENT OF DAMAGES

1. The plaintiff is a lawyer by profession. He is a partner in Golden and Law, a legal practice. In addition he is a lecturer at the Malawi Polytechnic, a constituent college of the University of Malawi.
2. On 22nd October, 2011, at around 7:20 a.m. he was called by the defendant's officer to report at the defendant's office. He did so at around 7:30 the same morning. He was immediately put under arrest on the strength of a warrant of arrest dated 25th October, 2011. He was interviewed and a caution statement was recorded.
3. He was kept all day until 4:30 p.m. when he was taken to Blantyre Magistrate's Court where he was charged with the offences of theft and obtaining money by false pretences. He applied for bail and was released around 5 p.m., nine and half hours after the arrest.
4. On 24th and 25th November, 2011, the story of the plaintiff's arrest was published in the Nation Newspaper and the Daily Times respectively; both newspapers of wide circulation in Malawi. Both papers, quoting the defendant's Public Relations Officer, stated that the plaintiff was arrested on allegations of obtaining money by false pretences.
5. The plaintiff subsequently commenced judicial review proceedings against the defendant's decision to arrest and prosecute him. The High Court found that the defendant had acted *ultra vires* the law and quashed the decision. The criminal proceedings naturally died.



