

**IN THE HIGH COURT OF MALAWI**

**PRINCIPAL REGISTRY**

**CONFIRMATION CASE NO. 269 OF 1996**

**THE REPUBLIC**

**VERSUS**

**HARRY NYASALANDI**

From the Senior Resident Magistrate's Court at Zomba  
Criminal Case No. 274 of 1995

**CORAM: MWAUNGULU, J**

Kalolokesya, State Advocate for the State  
Accused, present and unrepresented  
Chilunga, Official Interpreter  
Mwenyeidi, Recording Officer

**Mwaungulu J**

**JUDGMENT**

This case was set down by the Reviewing Judge to consider the propriety of the conviction. The defendant, Harry Nyasalandi, was convicted by the Senior Resident Magistrate at Zomba of the offence of cheating contrary to section 321 of the Penal Code. He was sentenced on each count to fines. The Court also ordered compensation out of the fines. The sentences do not concern us here. It is the conviction which doers.

The story on each count is the same. The defendant borrowed cameras from his friends. He has not returned them. The defendant is charged with offences under section 321 of the Penal Code:

On the facts there is no evidence of any trick or device deployed. The convictions cannot be sustained. They are set aside and so are the sentences.

Made in open Court this 1st day of March 1996 at Blantyre.

**D.F. Mwaungulu**  
**JUDGE**