



MALAWI

IN THE HIGH COURT OF MALAWI

**PRINCIPAL REGISTRY
CRIMINAL APPEAL NO. 38 OF 2004
THE REPUBLIC
Vs
MAUEL WYSON**

From the First Grade Magistrate's Court sitting at Mulanje
Being Criminal Case No. 56 of 2004

CORAM: HON. JUSTICE F.E. KAPANDA
Chimbe (Miss), State Advocate for the State
Makhalira, of Counsel representing the Accused
Ngware, Official Interpreter

Date of hearing : 8th October 2004

Date of Judgment: 8th October 2004

JUDGMENT

Kapanda, J:

The appellant, Manuel Wyson Nyali, appeared in the First Grade Magistrate's Court at Mulanje charged with the offence of Armed Robbery. The record of the lower court shows that the charge was read out and explained to him whereupon he replied as follows:

“I admit the charge. I admit taking from him by force the radio and clothes and K700, one pressing iron. I however do not remember seeing the key and blue book for the motorcycle. We [the] four of us used force. One is from Luchenza and others from Mozambique.”

The court thereafter entered a plea of guilt. This was followed by a narration of the facts of the case by the State.

The appellant admitted that the facts were correct. This court is surprised that the appellant wants to attack his conviction. As I see it, the plea of guilty was properly entered after all the ingredients of the offence¹ of Armed Robbery were put to the appellant. Accordingly, the appeal against conviction is without merit and it is dismissed.

A sentence of Ten years that was meted on the appellant can not be faulted. Indeed, it is within the guidelines that has been set down by the High Court. The appeal against sentence is also dismissed.

Pronounced in open Court this 8th day of October 2004 at the Principal Registry, Blantyre.

F.E. Kapanda

¹ *Republic vs Green Benito and Roben Tewesa* Confirmation Case No. 945 of 1979 High Court decision of 25th June 1979 [unreported]

JUDGE