



JUDICIARY

IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

MISCELLANEOUS CRIMINAL CASE NO. 213 OF 2008

PATRICK MURAMA

VERSUS

THE REPUBLIC

CORAM: THE HONOURABLE JUSTICE MR J. S. MANUYNGWA

S. Mapemba, State Advocate for the State

J Kara, Representing the Accused

P. Mangison – Official Interpreter

ORDER

Manyungwa, J

This is as application for variation of the bail conditions which were imposed by the Magistrate court at Mulanje on 28 - 12 – 2007 ...In granting bail to the applicant, the court so granted the same on the following conditions:

- 1) That the applicant had to furnish the court with 2 sureties

- 2) That he had to be reporting to Mulanje Police every Fridays
- 3) That the applicant had to surrender his passport to court
- 4) That each surety was to be bonded in the sum of MK50,000 not cash

This morning, Mr Kara for the applicant has prayed that the above mentioned bail conditions be varied to the extent that the applicant's travel documents be returned to him, and secondly that the applicant be at liberty to travel outside Mulanje district and Malawi without seeking the court's permission.

The State on the other hand through Miss Mapemba, Senior State Advocate, has submitted that whilst it has no objection to the applicant before, the State would however pray that the said conditions be varied to the extent that the applicant be reporting to the Officer In – Charge at Mulanje, each time he leaves, and comes back to Malawi. Further that the applicant be reporting to the Officer In – Charge once a month.

Section 118(3) of the Criminal Procedures and Evidence Code gives the court power either of its own motion or by application to order that any amount of bail be varied.

In the instant case State does not oppose the application and I see no reason to refuse to grant the prayer. Consequently I hereby order, that the conditions of bail, that were imposed by the magistrate court at Mulanje be and hereby varied to the following extent:

- 1) On the condition that the applicant had to be reporting to the Officer In – Charge Mulanje Police every Friday, the same is varied, and the applicant will now be required to report to the said Officer In – Charge, once a month, on the last Friday of the month before 4 p.m.
- 2) On the condition that the applicant had to surrender his passport to the Court, the same is hereby varied, and the applicant will now be required, whenever he intends to travel to approach the court, amongst other things showing intention to travel, intended destination, likely period of stay, and likely date of return.

- 3) On returning to the jurisdiction, the applicant will still be required to return his passport to the court.
- 4) The other conditions that were imposed that is conditions (1) and (4) remain unchanged.

Pronounced in Open Court this 13th day of October, 2008.

Joselph S. Manyungwa
JUDGE