



**IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CRIMINAL DIVISION
CRIMINAL CASE NO. 61 OF 2015
(COMMUNITY CASE NO. 42 OF 2015)**

BETWEEN:

THE REPUBLIC

VERSUS

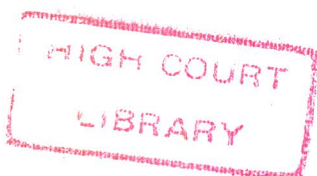
JANE CHISALE & 22 OTHERS

CORAM: HON. JUSTICE M.L. KAMWAMBE
Mr. H. Amos, Official Interpreter

ORDER IN CONFIRMATION

Kamwambe J

The convicts committed the offence of rogue and vagabond contrary to section 184 (1) of the Penal Code and were sentenced to three months IHL but suspended so that they perform 40HJ hours community service at Midima Magistrate Court. The sentence was passed on 5th March, 2015. To date it is a spent sentence. I confirmed the sentence because by now the sentence must



have been served and it would serve no purpose to disturb the sentence. According to Form CS/6 of the Community Service (General) Rules under the Criminal Procedure and Evidence Code, each month of imprisonment imposed translates to 40 hours of community service. Since the Magistrate Court sentenced the convicts to three months imprisonment, pro rata they were supposed to serve 120 months community service. I thought I should come out clear on this point because it is one of the common mistakes made and I hope the Chief Resident Magistrate will endeavor to circulate this ruling to all courts.

Made in Chambers this 18th day of October, 2016 at Chichiri, Blantyre.



M.L. Kamwambe
JUDGE