



REPUBLIC OF MALAWI

HIGH COURT  
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IN THE HIGH COURT OF MALAWI

MZUZU DISTRICT REGISTRY-Sitting at Rumphi

CRIMINAL DIVISION

MURDER CRIMINAL CASE NUMBER 24 OF 2018

BETWEEN

THE STATE

VS

PHENIUS MHANGO

**CORAM: Honourable Justice T.R. Ligowe**

D. Shaibu, Counsel for the State

C.S. Duke/W. Chirwa, Counsel for the Accused

G. Msukwa, Court Clerk

J.N. Chirwa, Court Reporter

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**SENTENCE**

1. Yesterday Phenius Mhango pleaded guilty to a charge of manslaughter for unlawfully causing the death of Elias Moyo on or about 11<sup>th</sup> October 2017 at Chumandimphepo Bar, at Nthangwanika location at Bolero in Rumphi District. He was convicted of the offence under section 208 of the Penal Code.

but he had not. Later they broke into the old man's house again, and set his suitcase ablaze. The old man escaped through the window, but they stoned him down and trampled him to death. They buried him in the backyard of his house and cleared the bushes in order to conceal the burial site.

7. Of course Happy Nkhata pleaded guilty, but I agree with defence counsel in distinguishing the present case from the case of Happy Nkhata.
8. Defence Counsel instead referred this court to the case of Republic v. Abdul Sailes where he said the offender was sentenced to five years imprisonment by this court after causing the death of another, with a knife in the course of a fight. This case is not reported and Counsel did not provide a copy of the sentence or the citation of the case. I was therefore unable to trace it and review it, and I will not be able to rely on it.
9. Defence Counsel further invited the court to consider Phenius Mhango at the age of 30 as still youthful and that he committed the offence due to lack of maturity. Rather, it was held in Republic v. Keke Court Case Number 404 of 2010 (Principal Registry) (Unreported) that people of ages between 25 and 35 are held to be of mature temperament and understanding of crime and its consequences and should therefore face the full vigour of the punishment.
10. Bearing the circumstances in the present case, I sentence Phenius Mhango to imprisonment for eight years from the date he was arrested.
11. Made in Open Court at Rumphi this 2<sup>nd</sup> day of October 2018.

  
T.R. Ligowe  
JUDGE