

IN THE HIGH COURT OF MALAWI

PRINCIPAL REGISTRY

Confirmation Case No. 737 of 2009

THE REPUBLIC

Versus

LESTER GODFREY AND FIVE OTHERS

Coram: HON. JUSTICE MANDA

Mrs Mbendera for the State

Defendants Present (Unrepresented)

Mrs Matekenya Court Clerk

ORDER ON CONFRIMATION

This matter was set down to consider the convictions of the 3rd and 4th accused persons. The reviewing judge did confirm the convictions of the 1st and 2nd and 5th accused persons.

In his notes my brother judge did not indicate what he found wrong with the convictions of the 3rd and 4th accused persons, which meant that I had to go through the record of the lower court and see if there was something wrong with the way the court arrived at its decision to convict the two accused persons.

Having gone through the record from the lower court and also the judgement that was delivered, I did not see anything wrong with the convictions of the 3rd and 4th accused persons. They both were found to have voluntarily admitted to committing the offence in their caution statements which the court found to be materially true. Apart from that the stolen property from Krazy

Kool Company was recovered from the houses of the 3rd and 4th accused persons, with most of the property being found in the house of the 3rd accused. For these items to be recovered, the police (PW2) were lead to the houses of the two accused persons by the 1st and 2nd accused persons and the 5th accused person, respectively (refer to page 116 of the record which is part of the judgment of the court). The 1st, 2nd and 5th accused persons were accomplices to the 3rd and 4th accused persons. In view of this I do not see anything wrong with the convictions of the 3rd and 4th accused persons and I do proceed to confirm them as well as their sentences.

Made in Open Court this.....day of.....2010

K.T. MANDA

JUDGE