

**IN THE HIGH COURT OF ZAMBIA  
HOLDEN AT LUSAKA**  
(Criminal Jurisdiction)



**HP/229/2017**

**THE PEOPLE  
V  
BRIAN MUBANGA  
HUMPHREY MWALE**

**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 19<sup>th</sup> DAY OF  
OCTOBER, 2017**

*For the State* : Ms E. Mulele, Senior State Advocate and Mrs S. M. Besa, State Advocate, NPA

*For the Accused persons* : Ms H. Musonda, Legal Aid Counsel, Legal Aid Board

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## **J U D G M E N T**

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CASES REFERRED TO:

1. ***Elias Kunda V The People* 1980 ZR 100**
2. ***George Nswana V The People* 1988-1989 ZR 174**

LEGISLATION REFERRED TO:

1. ***The Penal Code Chapter 87 of the Laws of Zambia***

The two accused persons in this matter stand charged with one count of aggravated robbery contrary to Section 294 (1) of the Penal Code, Chapter 87 of the Laws of Zambia.

The particulars of the offence allege that Brian Mubanga and Humphrey Mwale on 25<sup>th</sup> November, 2016, at Lusaka in the Lusaka District of the Lusaka Province of the Republic of Zambia, jointly and whilst acting

together with other persons unknown, and whilst armed with unknown types of weapons did steal a bag containing a laptop, and certificates valued at K4, 000.00, the property of Jetsie Mukota, and at or immediately before or immediately after the time of such stealing did use or threaten to use actual violence to George Mzyeche in order to obtain or retain or overcome resistance for the property being stolen.

Both accused persons denied the charge, and the matter proceeded to trial. The State called four witnesses, while both accused persons gave their defence on oath and called no witnesses. The onus is upon the State to prove the case beyond all reasonable doubt.

The first witness was George Mzyeche. He testified that on 25<sup>th</sup> November, 2016 his friend Kelvin Mweemba had asked him to get his vehicle from his place of work and go and pick up his wife from church and take her home. That PW1 did as asked and that when they reached his friend's house, Jestie Mukota who is Kelvin Mweemba's wife had asked him to take the laptop to Kelvin Mweemba to charge, as she needed to use it the next day.

He explained that Jestie Mukota gave him the laptop bag which she said contained her laptop, a folder for school certificates and a charger, and he started off from Garden House, and joined Lumumba Road, and that it was around 19:00 hours. PW1 told the court that when he reached the traffic lights at Chibolya Basic School they were red, and he stopped. He stated that he saw two men go to the vehicle, and one went to his side and asked if he was driving a taxi, but he declined. He went on to state that the man knocked on the window, and again asked if it was taxi, and he refused.



PW1 testified that the window at the front passenger's seat was a bit open and the man who had gone to that side started trying to get the bag out, and PW1 drove off. He stated that the man managed to pull the bag out of the vehicle and he fell onto the tarmac, and PW1 stopped the vehicle, and got out to follow the men. That the two men removed screw drivers and knives, and others went and joined in after they came out of makeshift stores, and they told PW1 that they would kill him. He added that they told him that if he loved himself he should go back.

He testified that he was scared as they were many, and he went back into the vehicle and drove off then parked after a distance, and called Kelvin Mweemba and informed him what had happened. That upon picking Kelvin Mweemba, the matter was reported to the police. He also told the court that there was light where he was attacked from and he saw the person who got his laptop. He identified A1 as the said person.

When cross examined PW1 told the court he was very scared when he was robbed, and that there were street lights there, and his robbers had faced him. He could not say if A2 was among his attackers, and he also stated that he did not describe his attackers to the police, as they did not ask him to do so. While maintaining that A1 attacked him, and that he had screw drivers, PW1 could not recall what A1 wore that night.

PW2 was Jestie Mukota. She like PW1 stated that PW1 took her home on 25<sup>th</sup> November, 2016 from church, and that she gave him her bag containing a laptop to take to her husband to charge. PW2 further testified that after an hour her husband Kelvin Mweemba had called her and had informed her of the robbery. That the next day around 09:00 hours in the morning she was called by a person who told her that he



was Mr Zulu of Chibolya market where they sell charcoal, and that he had picked up her documents.

PW2 named the documents that were in the laptop bag as her grade 12 certificate, college results being the Charles Lwanga Teacher's diploma, the Social Work certificate, Early Childhood Certificate and the results transcript from Charles Lwanga, which she had submitted to the Teaching Service Council for registration. She explained that were required to put their names and phone numbers when filling in the slip for submission, and that she had made a mistake on the slip, and had put the same among her documents. It was also PW1's evidence that she had then informed her husband to pass through Chibolya market as directed by Mr Zulu to pick up her documents, but he did not pick them up.

PW2 went on to testify that on 29<sup>th</sup> November, 2016 another unknown person called her and told her that he was Brian, and that he had picked up her documents as he was going to Intercity bus terminus to go to Kitwe, and he wondered how she could get them. She testified that from there Brian would call her using different numbers asking her for money so that he could send the certificates. It was explained that PW2 sent him K260.00 through Zoono, but he did not send the documents.

That he called her seven times in one day using different numbers, and told her that he had used the money to facilitate the release of his brother from custody, and asked her to send more money so that he could send the documents. PW2 testified that she sent him K60.00, but he only sent some of the documents leaving the Charles Lwanga diploma certificate and the Social Work certificate on a Power Tools bus.



She identified the envelope used to send the documents, and it was marked 'ID1', as well as the Charles Lwanga results transcript and it was marked as 'ID2', and her grade 12 certificate which was marked 'ID3'. The Early Childhood Learners Certificate was also identified and it was marked 'ID4' as well a photograph of herself that was among the documents, and it was marked 'ID5'.

The evidence of PW2 was that Brian again called her asking her for money stating that the person whom he had sent to get the documents from home had removed two of the documents, and he asked her to send him K230.00 so that he could travel to Lusaka with his brother and bring the documents. However PW2 only sent him K115.00 to enable him travel and bring the documents, and that from thereon she could not communicate with him, unless he called her.

Her testimony was that on 16<sup>th</sup> February, 2017 she was called by police officers from Soweto Police post who told her that they had found someone with her documents, and that she should go and collect them. That there she recovered the Charles Lwanga Diploma and the Social Work certificate, and these documents were identified before court and marked 'ID6' and 'ID7' respectively. In conclusion PW2 identified the accused person as the person she met at police, whom police said had her documents.

It was PW2's evidence in cross examination that she was not there when PW1 was attacked, and therefore she did not know his attackers. That A1 told her that he had found her documents at Chibolya market, and that he was going to Kitwe so she needed to send him money so that he could send her the documents.



PW2 stated that she could not tell him to leave the documents at the police, as he told her that he was going to Kitwe.

She agreed that she had told the police about what Brian had told in early December, 2016, and that the police officer had asked her to send him money so that he sends her the documents. She denied that Brian threatened her when he used to call her, saying that he was nice. It was also her evidence that he told her that he had no phone and was using his friend's phone. That Brian did not intend to give her back the documents, as when he reached Lusaka, he did not give them to her, despite her having sent him money.

James Banda a police officer based at New Soweto Police was PW3. It was his evidence that on 24<sup>th</sup> January, 2017 he reported on duty at New Soweto police post and during the course of his duties he conducted patrols with two neighbourhood personnel. He stated that during the patrols, they found three people sleeping in a makeshift shop, and that as the Council Bye Laws do not permit such, the three were apprehended and taken to the police post.

PW3 told the court that he came to know the three as Brian Mubanga, Anthony Mubanga and Humphrey Mwale when he interviewed them, and that when he searched the bag that Brian was carrying he found that it contained a diploma obtained from UNZA as well as a certificate. That when asked where he got the documents from Brian explained that they were for his aunt, but he failed to give PW3 his aunt's number when asked to do so. He then detained the three and handed them over to the Criminal Investigations Officer (CIO) for further investigations. PW3 identified 'ID6' and 'ID7' as the documents that were found on Brian



Mubanga, and he also identified the bag that contained the documents, and it was marked 'ID8'.

In cross examination, PW3 testified that he did not find any knife or screw driver in the bag.

The last State witness Konoko Michelo, the arresting officer. This witness told the court on 25<sup>th</sup> November, 2016 whilst on night duty at the Flying Squad, George Mzyeche had reported that he was robbed of a laptop bag containing a laptop and vital documents, by men armed with screw drivers and machetes at the junction of Freedom Way and Chibolya when he was driving a vehicle.

He stated that he instituted investigations into the matter, and learnt that the laptop bag belonged to Jestie Mukota, and that she told him that an unknown person, calling himself as Brian was calling her from Kitwe and demanding money so that he could send her the documents. That when he had tried to call back this person he was unsuccessful, and Jestie sent him money but he only sent some of the documents.

That on 24<sup>th</sup> January, 2017, he received a phone call from Soweto police who informed him that some suspects had been apprehended with some documents belonging to Jestie Mukota that were stolen from George Mzyeche. He stated that when he went to Soweto police he picked up two suspects whom he came to know as Brian Mubanga, and Humphrey Mwale, and he found a Primary School Diploma and a Social Work School certificate in a pink folder.

PW4 told the court that he then transferred the suspects to Lusaka Division for further interviews, and he was not satisfied with the response given. He then made up his mind to charge and arrest the two



with the subject offence. Under Warn and Caution in Nyanja, the two had given free and voluntary replies, denying the charges. PW4 produced the exhibits and they were marked 'P1' to 'P8'.

The evidence of PW4 in cross examination was that despite three people having been apprehended in connection with the offence, only two were before the court. He stated that the third person was released at the police post, and that he did not know why. He also testified that PW1 told him that he could identify his attackers but he did not give any special features that the attackers had. That PW1 had told him that he was attacked by more than five people.

PW4 stated that no identification parade was conducted as the complainant saw the two at Soweto police post when they were in custody. He agreed that he had told PW2 to pay the person calling himself Brian so that he could send her documents, as he said that he would burn them. He added that she was interested in recovering her documents and that is why he had told her to do so. PW4 further stated that Brian had told him that he had picked up the documents from Chibolya market, and that Humphrey Mwale denied any knowledge of the documents.

In defence A1 testified on a date he could not recall in November 2016 he left Makeni Villa for Intercity bus terminus to board a bus between 05:00 and 06:00 hours. That on a road near Simoson he saw a torn bag near a ditch, and he picked it up, and observed that it had some documents. He then went and boarded a bus to the Copperbelt, and it was only on a Monday that he went through the bag and found there were certificates and a photograph inside it. That there was also a document from Zanaco with the names Jestie Mukota and a phone number.



A1 testified that he went to Kamfinsa market and borrowed a phone which he used to call PW2 and informed her that he had picked up her documents. He told the court that when she asked how she could receive them, he had told her that he was in Kamfinsa in Kitwe, and he could either send them on a bus or give them to the police. That PW2 had told him that the documents would delay if he gave them to the police, and asked him to send them on a bus. He went on to testify that she sent him K200.00 using Zoonaa, and he thought that she had just given him the money.

That he went into town and asked at the Mazhandu bus stop if he could send the documents, and he was advised to buy two envelopes at K50.00 each. As he thought they were lying he decided to go to the Power Tools bus stop where he was told the same thing. Further in his evidence, A1 testified that he then borrowed a phone and told PW2 of the developments, and when she asked him to send the documents using the money that she had sent him, he told her that he had used the money to pay off his debts. He continued testifying stating that he then called her after two weeks and she sent him K60.00 using Zoonaa. That he sent his brother to go and collect the documents from his house, and he sent them on a Power Tools bus. A1 told the court that he called PW2 and told her that some documents had remained.

It was his evidence that she had called him on the number that he had initially used to call her, and he had told her that she needed to send K50.00 to enable him send the rest of the documents. Further that he was travelling with his young brother to Lusaka and the following week she sent K115.00, and he sold a mattress to raise the transport fare for himself and his brother and they travelled to Lusaka. He also stated that



when he arrived in Lusaka he had phoned PW2 but she told him that she was too busy to meet him, and would meet him the following week.

That when the day came he had phoned her and she had asked that they meet at City Market at 15:00 hours, but when he called her she did not answer the phone, and from there her phone went off. A1 stated that he did not give PW2 the documents as he did not meet her, and he did not call her again.

He explained that on 24<sup>th</sup> January 2017 he was with his young brother in a bar when a fight broke out at a pool table and he supported the person who had lost when cadres apprehended them together with A2, and took them to the New Soweto police post. That there he was searched and PW2's documents were found in the bag that he had, and he had told police that the documents were for his aunt. He added that he told them that her phone number was at the depot where he kept his other things.

A1 told the court that the next day the three of them were called and they found a woman and an elderly one, and police told the two women that A1 and his colleagues were found with PW2's documents. That from there they were transferred to Central Police, and they were charged.

In cross examination, A1 agreed that PW1 testified that he had grabbed the laptop, but stated that this was not true, as he had never seen him in his life. He agreed that he did not send PW2 the documents when she sent him K200.00, and that he only sent some of the documents when she sent K60.00, as he needed two envelopes to put the documents.

He agreed having told police that he did not send all the documents as his young brother whom he had sent to go and collect them only took



some of them, but that that the police had misunderstood him. He maintained that PW2 had stopped him from taking the documents to the police on the basis that they would take long to reach Lusaka, and she needed them.

A1 denied that PW2 initially sent him K260.00, stating that it was K200.00. That he last spoke with PW2 in January 2017, and that he came to Lusaka on 4<sup>th</sup> January, 2017. He also denied having stopped communicating with PW2, testifying that he had no money to buy airtime or borrow a phone to call her. He did however agree that PW1 sent him money to come to Lusaka but that he did not know where to find her. He denied having become quiet when he said that his brother would take the documents to PW2 and she refused.

A1 also denied that PW3 found him sleeping in a makeshift shop stating that cadres apprehended them as there was a fight at a bar where they were. That PW3 lied when said that they were apprehended in a make shift shop. He denied selling laptops, and it was his evidence that he met A2 when they were apprehended. A1 told the court that on 26<sup>th</sup> November, 2016 he was at home with two neighbours, and that he had told police so, but they did not believe him.

A2 in his defence told the court that on 24<sup>th</sup> January, 2017 he had left Libala South to go and collect money for school fees at Zanaco City Market, and from there he proceeded to play pool at a bar. He like A1 testified that there was a fight at the bar and that cadres went and apprehended them, and took them New Soweto police post. That he only knew A1 there and that when they were searched A1 was found with documents. He denied any knowledge of the documents, and testified



that they were transferred to Central Police where he was charged and brought before court.

When cross examined, A2 stated that he was apprehended by cadres at a bar whilst playing pool between 20:00 hours and 21:00 hours. He also testified that he is a pupil, and that he came to Lusaka to collect money for school fees, and then went to the bar to play pool. He stated that the police officer did not search him and that he hid the money, and the next morning he gave it to his cousin who works at a shop within City market. As regards where he was on 26<sup>th</sup> November, 2016, A2 testified that he was at home in Katondo Highridge in Kabwe studying, and that his sister with whom he lives could confirm so.

I have considered the evidence. It is a fact that both accused persons were apprehended and taken to New Soweto police post on 24<sup>th</sup> January, 2017. It is also a fact that A1 was searched by the police and found with 'P6' and 'P7', the academic documents for PW2 that were reported stolen from PW1 on 26<sup>th</sup> November, 2016.

It is not in dispute that PW1 had reported to the police that the bag containing a laptop and school certificates belonging to PW2 were stolen from him on 26<sup>th</sup> November 2016 between 19:00 and 20:00 hours, and that his attackers were armed with knives and screw drivers. It is further not in dispute that A1 phoned PW2 and told her that he had her school certificates and after she sent him money he did send her some of the documents. The question is whether it has been proved beyond all reasonable doubt that the accused persons did commit the offence of aggravated robbery?



Aggravated robbery is defined in Section 294 (1) of the Penal Code Chapter 87 of the Laws of Zambia as;

***“(1) Any person who, being armed with any offensive weapon or instrument, or being together with one person or more, steals anything, and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, is guilty of the felony of aggravated robbery and is liable on conviction to imprisonment for life, and, notwithstanding subsection (2) of section twenty-six, shall be sentenced to imprisonment for a period of not less than fifteen years”.***

The evidence given by PW1 was that he was initially approached by two people who stole the bag containing the laptop and PW2's educational documents. That when he followed them to retrieve the items, the two had produced knives and screw drivers and they were joined by others who came out of makeshift stores, and they threatened PW1 who retreated. This evidence was not challenged in any way, and therefore it was proved that PW1 was threatened with violence immediately after the theft in order to prevent him from overcoming resistance to the items being stolen, and the offence of aggravated robbery has been established.

The question that however remains to be answered is whether the two accused persons were among the people that attacked PW1 and stole from him? PW1 in his testimony testified that A1 is the person who stole the bag containing the laptop and PW2's educational certificates. A1 denied this stating that he only picked up the bag containing the



educational documents. PW1 agreed that he was scared when he was attacked, but stated that A1 stole the bag, although he could not recall what A1 wore that night. The offence took place at night, and while PW1 stated that there were street lights at the point of the attack, it is a matter of common knowledge that at night, even where there is light, visibility is not as clear as it is during the day.

There is therefore need for supporting evidence regarding the identity of A1 as the person who stole the bag containing the laptop and PW2's academic documents. This is also on the basis that PW4 testified that no identification parade was conducted when A1 and A2 were apprehended as the complainant had already seen them whilst they were at New Soweto police post, entailing that the evidence of identification had been compromised on that account. It is not in dispute that A1 was found with 'P6' and 'P7' when PW3 apprehended him, and the evidence of PW2 is that A1 started communicating with her on 29<sup>th</sup> November, 2016 informing her that he had her documents, and that she should send him money so that he could send them to her.

PW2 initially sent him money, but that he did not send the documents, and that he only sent some of the documents when she sent him K60.00. Further that PW2 had sent him K115.00 so that he could travel from the Copperbelt to Lusaka and bring her the rest of the documents, but he stopped communicating with her, and it was only when A1 was apprehended on 24<sup>th</sup> January, 2017, that she recovered the rest of the documents. A1 was found in possession of PW2's stolen educational documents three days after they were stolen, and the question is whether the doctrine of recent possession can be invoked? In the case of **ELIAS KUNDA V THE PEOPLE 1980 ZR 100** it was held that;



*“(ii) In cases where guilt is found by inference, as for instance, where the doctrine of recent possession is applied, there cannot be conviction if an explanation given by the accused, either at an earlier stage (such as to the Police) or during the trial, might reasonably be true.*

*(iii) Where an accused person is in possession of property recently stolen, the court may infer guilty knowledge if he gives no explanation to account for his possession or if the court is satisfied that the explanation offered is untrue.”*

Further in the case of **GEORGE NSWANA V THE PEOPLE 1988-1989 ZR 174** the Supreme Court considered the inference of guilt based on recent possession, and stated that *“the inference of guilt based on recent possession particularly where no explanation is offered which might reasonable be true, rests on the absence of any reasonable likelihood that the goods might have changed hands in the meantime, and the consequent high degree of probability that the person in recent possession himself obtained them and committed the offence. Where suspicious features surround the case that indicate that the applicant cannot reasonably claim to have been in innocent possession, the question remains whether the applicant, not being in innocent possession, was the thief or a guilty receiver or retainer”*.

Therefore the question in this matter is whether an inference of guilt on A1's part can be inferred based on the fact that he was found in recent possession of some of the stolen items? In his defence A1 testified that he picked up the bag containing PW2's educational documents as he was on the way to Intercity to board a bus to the Copperbelt. While he could not



state on which date that was, the evidence of PW2 was that it was on 29<sup>th</sup> November, 2016 almost three days after the robbery. He was therefore in recent possession of the stolen academic documents and the question that arises is whether the explanation he gave for being in possession of the documents is reasonably true?

'P1' that was tendered in evidence is an envelope showing that part of the documents were sent to PW2 from Kitwe, rendering A1's explanation possibly true. PW2 has also testified that a person called Mr Zulu had initially phoned her the morning after the robbery, and had told her that he had picked up her documents, and that he was found at Chibolya Market. She had asked her husband to go and pick up the documents but he did not do so. No explanation was given for this failure, and there is no evidence on record to show that efforts were made to locate Mr Zulu.

A1 was then found in possession of some of the stolen items almost three days later, after he stated that he had picked them up, and his explanation is reasonably true bearing in mind that someone else initially called PW2 and told her that he had up the documents and could have discarded them, and that is how A1 picked them up and came to be in possession of the same. PW2 told the court that A1 only started calling her after Mr Zulu had called over the documents, and she did not say that Mr Zulu and A1 were the same person. Therefore based on this, it would not reasonable to infer that A1 was a thief but rather was in possession of the documents after they were stolen. He was in guilty possession of them, as after PW2 told him that they were stolen he did not return them to her even after she sent him money, but rather retained some of them.



In the **GEORGE NSWANA** case cited above the court noted that ***“furthermore, in the absence of misappropriation or conversion of the property to his own use, the guilty possessor is a retainer rather than a receiver of the stolen property.”***

Pursuant to this, and the provisions of Section 319 of the Penal Code I find A1 **GUILTY** of retaining stolen property and **CONVICT** him accordingly.

As for A2 the only evidence linking him to the offence is that he was apprehended together with A1. He denied the circumstances under which the two were apprehended as testified by PW3, that they were found sleeping in a makeshift shop which is against the Council bye laws. He did not challenge PW3 on the evidence of his apprehension and thereby discredit it, thus his defence was just an afterthought. However being found together with A1 who was found in retention of the stolen documents is not sufficient to enable me draw an inference of guilt on A2's part, as there is no evidence linking him to the stolen documents.

Therefore there is insufficient evidence against A2, and I find him **NOT GUILTY** and I **ACQUIT** him forthwith.

**DATED THIS 19<sup>th</sup> DAY OF OCTOBER, 2017**

S. Kaunda  
**S. KAUNDA NEWA**  
**HIGH COURT JUDGE**



**IN THE HIGH COURT OF ZAMBIA  
HOLDEN AT LUSAKA**  
(Criminal Jurisdiction)

**HP/229/2017**

**THE PEOPLE**

**V**

**BRIAN MUBANGA**



**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 19<sup>th</sup> DAY OF  
OCTOBER, 2017**

*For the State* : Mrs S. M. Besa, State Advocate, NPA

*For the Accused persons* : Mr C. Handeleki, Legal Aid Counsel, Legal Aid Board

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## **S E N T E N C E**

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On the 19<sup>th</sup> day of October 2017, **Brian Mubanga** was convicted by this Court at Lusaka for the offence of Aggravated Robbery contrary to **Section 294(1)** but was reduced to **Retaining Stolen Property** contrary to **Section 319 of the Penal Code, Chapter 87 of the Laws of Zambia.**

The particulars of the offence allege that Brian Mubanga on 25<sup>th</sup> November, 2016, at Lusaka in the Lusaka District of the Lusaka Province of the Republic of Zambia, jointly and whilst acting together with other persons unknown, and whilst armed with unknown types of weapons did steal a bag containing a laptop, and certificates valued at K4,000.00, the property of Jetsie Mukota, and at or immediately before or immediately after the time of such stealing did use or threaten to use actual violence to George Mzyeche in order to obtain or retain or overcome resistance for the property being stolen.




At the time of his arrest A1 was in school at Kamfinsa Secondary School. During the process he has had an opportunity to reflect in relation to the circumstances that have led to his conviction

Our prayer is that the Court takes into consideration the fact that accused is a first offender. The circumstances that led to his conduct during the process in total may have been as a result of his immature age being a juvenile adult. The convict has a three year old child. If he is given a custodial sentence, the minor may undergo adverse suffering. Further considering that the convict would like to continue with his school, we beseech the Court to exercise maximum leniency on the convict.

I have considered the mitigation. The convict is a first offender and very youthful, with room to reform and be a better citizen. Through his mitigation he has shown that he has had opportunity to reflect on his conduct. Taking all these factors into account I sentence the convict to **twelve (12) months imprisonment with hard labour** with effect from 24<sup>th</sup> January, 2017.

The convict is further informed of his right of appeal to the Court of Appeal within 30 days from the date of this sentence.

**Delivered at Lusaka in Open Court on the 19<sup>th</sup> day of October, 2017.**

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**S. Kaunda Newa**  
**HIGH COURT JUDGE**



**REPUBLIC OF ZAMBIA**  
**IN THE HIGH COURT FOR ZAMBIA**

**HOLDEN AT LUSAKA**  
**(Criminal Jurisdiction)**



**HP/229/2017**

**THE PEOPLE**  
**VERSUS**  
**BRIAN MUBANGA**

**WARRANT FOR EXECUTION OF SENTENCE**  
(Section 307, Criminal Procedure Code, Cap 88)

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**TO: The Superintendent of the Prison at LUSAKA CENTRAL**

**WHEREAS** at a Session Holden before me on the 2<sup>nd</sup> of October, 2017 **Brian Mubanga** was convicted by this Court of the offence of **Aggravated Robbery** contrary to Section 294(1) but was reduced to the offence of **Retaining Stolen Property** contrary to Section 319 of the Penal Code Cap 87 of the Laws of Zambia and was sentenced to **twelve (12) months imprisonment with hard labour** with effect from 24<sup>th</sup> January 2017, the date of arrest.

You are therefore required to lodge the said **Brian Mubanga** in the **Central Prison at Lusaka** together with this warrant in order for the execution according to law of the aforesaid sentence for which this shall be a sufficient warrant to all whom it may concern.

**Given under my hand this 19<sup>th</sup> October, 2017.**

.....  
S. Kaunda Newa  
**HIGH COURT JUDGE**



**REPUBLIC OF ZAMBIA**  
**NOTIFICATION OF ACQUITTAL**  
**IN THE HIGH COURT FOR ZAMBIA**

AT.....LUSAKA.....HP/229/2017



**THE PEOPLE**

**V**

**HUMPHREY MWALE**

TO: THE SUPERINTENDENT OF THE PRISON AT **LUSAKA CENTRAL PRISON**

**WHEREAS** on the 2<sup>nd</sup> day of October, 2017, **HUMPHREY MWALE** Stood charged before this Court of the offence of **Aggravated Robbery** contrary to Section 294(1) of the Penal Code Cap 87 of the Laws of Zambia.

**I HEREBY NOTIFY YOU** that he has been found not guilty of the said charges and has been acquitted.

Dated at Lusaka this 19<sup>th</sup> day of October, 2017.

Castro Kachingwe  
**Clerk of Sessions**