

IN THE SUPREME COURT OF ZAMBIA Appeal No. 132/1998
AT NDOLA

(CRIMINAL JURISDICTION)

B E T W E E N:

ANDERSON MWAPE

Appellant

AND

THE PEOPLE

Respondent

CORAM: Ngulube CJ., Chirwa and Chibesakunda JJs.

On 6th June, 2000

For the Appellant, in person.

For the State, Mr. D.M. Mupeta, Senior State Advocate.

J U D G M E N T


Ngulube CJ. Delivered the judgment of the court.

The appellant pleaded guilty to a charge of manslaughter. The facts of the case were that on 17th August 1997 the appellant had a quarrel with his wife Dainess Kashimoto. This erupted into a fight.

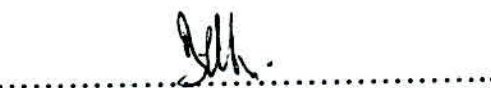
During such fight the appellant beat up the wife very badly and even strangled her. The learned trial Judge took a very dim view of femicide and imposed a sentence of 12 years imprisonment with hard labour. The appeal before us is against such sentence. The appellant points out that he was a first offender; he pleaded guilty and did not waste the court's time. He also points out that there are nine children who are left without the mother, obviously after he has killed their mother.

We have taken into account the circumstances of this case and at the outset we do not wish to be misunderstood that we condone beating of wives nor indeed the beating of husbands by certain wives. However, we do also have to agree with the appellant that it is a cardinal principle in such matters that credit should be given to persons that plead guilty. Again leniency is customarily extended to persons that are first offenders. Twelve years imprisonment with hard labour in our view does not reflect the credit which was due to this appellant and it was wrong in principle. For that reason we propose to interfere. We allow the appeal, quash that sentence and in its place

impose a sentence of six years imprisonment with hard labour. The appeal succeeds to that extent.



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M.M.S.W. Ngulube
CHIEF JUSTICE



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D.K. Chirwa
SUPREME COURT JUDGE



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L.P. Chibesakunda
SUPREME COURT JUDGE