

# Namata v. Republic

## Statute and Subsidiary Legislation Construed

<b>Court:</b>	Supreme Court Of Appeal
<b>Bench:</b>	The Honorable Justice R.R. Mzikamanda SC JA, The Honourable Justice L.P Chikopa SC JA, The Honourable Justice A.D. Kamanga SC JA
<b>Cause Number:</b>	MSCA Criminal Appeal No. 13 of 2015 (Being Criminal Case Number 65 of 2013, High Court of Malawi, Lilongwe Registry)
<b>Date of Judgment:</b>	March 23, 2018
<b>Bar:</b>	G. Chipeta, Counsel for the Appellant Mrs M. Kachale - Director of Public Prosecutions, Mr Malunda - Principal State Advocate Ms. Piriminta - Senior State Advocate

Constitution of the Republic of Malawi (ss 5, 9, 42(2)(a), 42(2)(c), 42(2)(f)(i), 42(2)(f)(ii), 42(2)(f)(iii), 42(2)(f), 42(2)(g))

Criminal Procedure and Evidence Code (Cap. 8:01) (ss 3, 5, 201, 126, 128, 139, 140, 153 - 157, 254, 256(2), 278)

Penal Code (Cap. 7:01) (ss 278, 271, 319)

Public Finance Management Act (s 31)

Money Laundering, Proceeds of Serious Crime and Terrorist Financing Act (Act No. 11 of 2006) –(ss 35(1), 35(2))

Reserve Bank of Malawi Act

Supreme Court of Appeal Act (s 12)

[Proceeds of Crime Act 2002 \(England\)](#) (ss 327, 328, 329, 340)

[Drug Trafficking Act 1994 \(England\)](#) ( s 51)

[Criminal Justice Act 1988 \(England\)](#) (s , 93C (2))