Namata v. Republic

Statute and Subsidiary Legislation Construed

Court: Supreme Court Of Appeal

Bench: The Honorable Justice R.R. Mzikamanda SC JA, The

Honourable Justice L.P Chikopa SC JA, The Honourable

Justice A.D. Kamanga SC JA

Cause Number: MSCA Criminal Appeal No. 13 of 2015 (Being Criminal

Case Number 65 of 2013, High Court of Malawi,

Lilongwe Registry)

Date of Judgment: March 23, 2018

Bar: G. Chipeta, Counsel for the Appellant

Mrs M. Kachale - Director of Public Prosecutions, Mr

Malunda - Principal State AdvocateMs. 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))

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