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**IN THE HIGH COURT FOR ZAMBIA  
AT THE PRINCIPLE REGISTRY  
HOLDEN AT LUSAKA**  
*(Criminal Jurisdiction)*

**HP/170/2017**

**THE PEOPLE  
VS  
GRAIGY MAMBWE**



Before the Honourable Mr. Justice C. Chanda in Open Court on the 15<sup>th</sup> day of August, 2017.

For the People: Ms Nyangu, State Advocate National Prosecutions Authority.

For the Accused: Mrs Liswaniso, Legal Aid Counsel

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**SENTENCE**

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**GRAIGY MAMBWE**, the Accused person herein stands charged with and pleads guilty to one count of Causing Death by Dangerous Driving contrary to Section 161 (1) of the Roads and Road Traffic Act No. 11 of the Laws of Zambia.

Particulars of the offence alleged that, **MAMBWE GRAIGY** on the 08<sup>th</sup> day of November, 2016, at Lusaka in the Lusaka District of the Lusaka Province of the Republic of Zambia, drove a motor vehicle namely TOYOTA COROLLA registration no ABH 3701 on a public road namely Nationalist Road in a manner which was

dangerous to the public and other road users. Whilst driving on the said road did hit male **AMOS MWACHILENGA** aged 87 years who later died on 21<sup>st</sup> December 2016 at the University Teaching Hospital.

In mitigation, Learned Defence Counsel humbly implored me to exercise lenience on the Convict as he is 29 years a youth in his prime deserving to be given a 2<sup>nd</sup> chance. That he was a first offender who is deeply remorseful as he has readily admitted the charge without wasting Court's time. He even assisted the victim by taking him to the hospital.

I have taken into account what has been passionately pleaded on your behalf in mitigation. I am also cognisant of the circumstances surrounding this offence. I however find aggravating factors in the commission of this offence in that you were driving this motor vehicle which you knew had a defective breaking system as per exhibit P2 the RATSA motor vehicle examination report. In other words you created a danger not only to yourself but to other road users. All this risk was undertaken by your selfish desire of making profit. As a first offender who readily admitted the charge without wasting the Court's time, you shall have my leniency. The mere fact that you aided the person does not exonerate you from the full consequences of your actions.

I therefore sentence you **GRAIGY MAMBWE** to immediately pay a fine of K1,000.00 and in default you shall serve two (2) months simple imprisonment which shall be in effect from today. What this means is that your custodial sentence commences now but



the moment you pay the fine you shall be released. If you have the money now you are free to pay the same.

Convict reserves the right of appeal to the Court of Appeal within 14 days from today.

**Delivered at Lusaka this 15<sup>th</sup> day of August, 2017.**

  
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**C. CHANDA**  
**JUDGE**



REPUBLIC OF ZAMBIA  
HIGH COURT OF ZAMBIA  
JUDICIARY  
15 AUG 2017  
CRIMINAL REGISTRY  
P.O. BOX 50367, LUSAKA