

IN THE SUPREME COURT OF ZAMBIA

SCZ Appeal No. 107 of 1993

HOLDEN AT LUSAKA

(Criminal Jurisdiction)

TEZE SIMUGALA

Appellant

vs

THE PEOPLE

Respondent

CORAM: Sakala, Chaila and Muzyanba JJJ.S.

5th October, 1993.

For the appellant : In Person

For the Respondent : Mr. L. Muuka, Assistant Senior State Advocate

J U D G M E N T

Chaila, J.S. delivered the judgment of the court.

The appellant was charged with the offence of aggravated assault with intent to steal contrary to Section 295 of the Penal Code.

The particulars of the offence were that, he, on 4th December, 1991 at Kafue in the Lusaka District of the Lusaka Province of the Republic of Zambia, while armed with a screw-driver and a knife did assault Brighton Kalumba with intent to steal from the said Brighton Kalumba.

He was prosecuted successfully and after being convicted of the offence he was sentenced to ten years imprisonment with

/2...hard labour

hard labour. He appeals to this court against sentence only. In his mitigation, he has urged this court to be lenient with him since he was a first offender and that he was the only source of income for his family, and was a school going boy. He fears that if he stays in prison which he calls a den of criminals he will develop bad habits. The offence which he committed provides for a minimum sentence of ten years and the learned trial judge gave him the minimum sentence. No appeal lies against the minimum sentence. The appeal is therefore dismissed.

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M.S. Chaila
E.L. Sakala
SUPREME COURT JUDGE

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M.S. Chaila
SUPREME COURT JUDGE

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W.M. Muzyamba
SUPREME COURT JUDGE