

IN THE SUPREME COURT OF ZAMBIA

HOLDEN AT LUSAKA

(Appellate Jurisdiction)

B E T W E E N :

JOHN SIKAQNGA

APPELLANT

and

THE PEOPLE

RESPONDENT

CORAM: Bweupe, DCJ, Chirwa, Lewanika, JJS.

On 3rd December, 1996, 4th March, 1997 and 15th July, 1997

For the Appellant: V.A.L. Kabonga

For the Respondent: Mrs. E.M. Chipande

JUDGMENT

Lewanika JS. delivered the judgment of the court.

On the 4th day of March, 1997, we dismissed the appellant's appeal against conviction for the offence of murder contrary to section 200 of the Penal Code.

The appellant had been sentenced to death and there was also an appeal against the sentence.

We had found that this was a killing committed during the course of a felony and we could find no extenuating circumstances in this case. But counsel for the appellant had raised the issue that at the time that the offence was committed the appellant was a juvenile. We made an order that the appellant be medically examined to ascertain his age at the time that the offence was committed. We have since received the medical report and without going into the detailed findings of the doctor, the doctor's opinion is that at the time when the offence was committed the appellant was at least 18 years old. The appellant was

therefore not a juvenile but he was a juvenile adult. In the circumstances therefore we have no alternative but to confirm the sentence of death that was imposed on the appellant.

The appeal against sentence is therefore dismissed as well.

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B.K. Bweupe
DEPUTY CHIEF JUSTICE

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D.K. Chirwa
SUPREME COURT JUDGE

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D.M. Lewanika
SUPREME COURT JUDGE