

IN THE SUPREME COURT OF ZAMBIA
HOLDEN AT NDOLA
(Criminal Jurisdiction)

SCZ APPEAL NOS. 91(A) &
91(B) OF 1999

BETWEEN:

**LYTON NKHATA
ANTHONY NGULUBE**

APPELLANTS

Vs

THE PEOPLE

RESPONDENTS

Coram: Bweupe, DCJ; Chaila, Muzyamba, JJS

8th September, 1999

For the Appellants : Mr. W.S. Chirambo, Acting Deputy Director, Legal Aid.

For the Respondents: Mr. R.O. Okafor, Principal State Advocate.

JUDGMENT

Chaila, JS delivered the Judgment of the court.

The appellants were convicted by the Subordinate Court on a charge of Trafficking Psychotropic Substances, contrary to Section 6 Cap. 96 of the Laws of Zambia. The appellants were sent to the High Court for sentencing. The High Court sentenced them to 15 years imprisonment with hard labour from 10th January, 1998. In the lower court they had pleaded guilty to the charge. Counsel for the appellants Mr. Chirambo has pleaded leniency on their behalf. He has told us that the appellants were first offenders who

pleaded guilty to the charge. They did not waste court's time. He has argued that the 15 years imprisonment with hard labour is on a higher side and should come to this court with a sense of shock. It is true that the appellants pleaded guilty and were first offenders.

We agree with the counsel that they are entitled to some leniency. The offence carries a maximum sentence of 25 years. We agree with Mr. Chirambo's submission that the sentences of 15 years are too excessive for the appellants who were first offenders and who had pleaded guilty to the offence. The appeal is allowed. The sentences of 15 years imprisonment are set aside. We impose sentences of 10 years imprisonment with hard labour with effect from 10th January, 1998.

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B.K. BWEUPE
DEPUTY CHIEF JUSTICE

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M.S. CHAILA
SUPREME COURT JUDGE

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W.M. MUZYAMBA
SUPREME COURT JUDGE