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

HP/169/2017



**THE PEOPLE
VS
FAIR NDENDE**

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

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

For the Accused: Mrs Liswaniso, Legal Aid Counsel

SENTENCE

FAIR NDENDE, the Accused person herein stands charged with
and pleads guilty to one count of Attempted Murder contrary to
Section 215 of the Penal Code of the Laws of Zambia.

Particulars of the offence alleged that, **FAIR NDENDE** on the 24th
day of May, 2016, at Lusaka in the Lusaka District of the Lusaka
Province of the Republic of Zambia, did unlawfully attempt to
murder her newly born child.

In mitigation, Learned Defence Counsel submitted that the
Convict is 20 years old, a youth with chance at reformation if

given a second chance. She has expressed her contrition and as a show for her remorse she has pleaded guilty without wasting the Court's time and resources.

The Convict is a school going pupil at Mwembeshi doing her grade 10 and wishes to continue with her studies so that one day she can become a teacher and be able to provide a better future for herself and her daughter. She is a mother of a 1 year 3 months old baby who still needs the care of the mother. Section 215 the Penal Code does not tie the needs of the Court to a minimum mandatory sentence. We pray that mercy tempers with justice and this Court takes pity of the Convict's 1 year old baby. She also instructs that she regrets the actions that had made her appear in Court today. She wishes to live a crime free life and be a better and caring mother. She is a first offender deserving the Court's lenience. She prays for the Court's maximum lenience to be given a second chance.

I have taken into account what has been passionately pleaded on your behalf in mitigation. As a first offender who has readily admitted the charge without wasting my time you are indeed entitled to maximum lenience.

What I have before me as revealed by the facts is nothing but the mighty power of God who alone preserved the life of this baby in the bush for two days. I find this to be a miracle in which God himself is speaking about what he wants to be done about both the Convict and her child.

I will not temper with the will of God who has brought the two together and in doing my utmost duty, **FAIR NDENDE** you are

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hereby absolutely discharged of this offence. Please do not do that again and go and warn your friends to avoid indulging in things reserved for adults. You are free to go.

Delivered at Lusaka this 15th day of August, 2017.


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C. CHANDA
JUDGE



REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
JUDICIARY
22 AUG 2017
CRIMINAL REGISTRY
P.O. BOX 90067, LUSAKA