

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

HP/11/2016

BETWEEN:

THE PEOPLE

V

DAVIES KABILA



**BEFORE THE HONOURABLE LADY JUSTICE M.CHANDA THIS 14TH DAY OF
NOVEMBER, 2017.**

APPEARANCES

FOR THE PEOPLE : MR C.NGOMA
OF NATIONAL PROSECUTION AUTHORITY

FOR THE ACCUSED : MR L. SABOI NYANGULU & COMPANY AND
MR G. MHANGO OF GANJE MHANGO &
COMPANY

J U D G M E N T

LEGISLATION REFERRED TO:

1. THE PENAL CODE CHAPTER 87 OF THE LAWS OF ZAMBIA
2. CRIMINAL PROCEDURE CODE CHAPTER 88 OF THE LAW OF ZAMBIA
3. FIREARMS ACT CHAPTER 110 OF THE LAWS OF ZAMBIA

CASES REFERRED TO:

1. CHAMPION MANEX MUKWAKWA V THE PEOPLE 1978 ZR 348
2. LOVE CHIPULU V THE PEOPLE SCJ NO. 19 OF 1986
3. DAVID ZULU V THE PEOPLE 1971 ZR 151
4. DOROTHY MUTALE AND RICHARD PHIRI V THE PEOPLE (1995-1997) ZR
227
5. CHIMBINI V THE PEOPLE (1973) ZR 192
6. PETER YOTAMU HAAMENDA V THE PEOPLE 1977 ZR 184

Davies Kabila hereinafter referred to as the accused stands charged with one count of **Aggravated Robbery** contrary to *Section 294(1) of the Penal Code Chapter 87 of the Laws of Zambia.*

The particulars of the offence allege that the accused on 10th June, 2015 at Lusaka in the Lusaka District of the Lusaka Province of the Republic of Zambia jointly and whilst acting together with other persons unknown and while armed with unknown firearm, did steal one motor vehicle namely **Toyota Sedan** unregistered valued at K60, 040 the property of **Dominic Twinjika** and at or immediately before or immediately after the time of such stealing did use or threaten to use actual violence to the said Dominic Twinjika in order to obtain or retain or prevent or overcome resistance to its being stolen or returned. When called upon to plead, the accused denied the charge.

I will now consider the evidence in this case. The prosecution called five witnesses in a bid to prove the case against the accused.

The first prosecution witness (**PW1**) was **Elvis Musimuko** a businessman who basically confirmed before Court that he sold the Toyota Corolla Sedan 2001 model on 4th May, 2015 to the complainant herein at K52, 000. PW1 informed the Court that upon selling the vehicle he handed over all the relevant documentation to the complainant so as to facilitate change of ownership.

