



IN THE HIGH COURT OF MALAWI

FINANCIAL CRIMES DIVISION

CRIMINAL CAUSE NO. 3 OF 2023

(Before Honourable Justice Chipao)

BETWEEN

THE REPUBLIC

-AND-

JEAN C. MATHANGA

JOHN KANDULU

FANUEL NKHONO

EMILIUS KANDAPO

CORAM: HON. JUSTICE VIOLET PALIKENA-CHIPAO

Maele, Director of Public Prosecutions

ORDER OF DISCONTINUANCE

Upon receipt of a certificate of discontinuance filed by the Director of Public Prosecutions (DPP) pursuant to section 99(2)(c) of the Constitution and section 77 of the Criminal Procedure and Evidence Code (CP & EC) and having considered the provisions of sections 99(2) and (3); 101 of the Constitution and section 77 of the CP & EC on the DPP's powers to institute or discontinue criminal proceedings, and considering the Court's limited power on the DPP's exercise of such powers, the Court proceeds to enter a discontinuance in respect of the criminal proceedings against the four Accused persons in this matter.

In view of the certificate of discontinuance therefore, the Court proceeds to order and direct as follows;

1. THAT the four Accused persons namely **JEAN MATHANGA, JOHN KANDULU, FANUEL NKHONO** and **EMILIUS KANDAPO** are hereby discharged in respect of the charges for which the discontinuance is entered;
2. THAT if the accused persons are on bail, their recognizances be discharged.
3. THAT this discontinuance does not bar the State from recommencing or indeed bringing new charges against the persons referred to in paragraph (1) above on account of the same facts within six months from the date hereof.
4. THAT pursuant to the mandatory requirements in section 99(3) of the Constitution, the DPP shall furnish the reasons for the discontinuance to the Legal Affairs Committee of the National Assembly within ten (10) days hereof:

Dated this 11th day of February, 2026

Violet Palikena-Chipao

JUDGE