

Charles Nkhoma v Malawi Revenue Authority

Civil Cause Number 114 of 2014

Summary

Court:	High Court of Malawi
Registry:	Civil Division
Bench:	Honourable Justice Allan Hans Muhome
Cause Number:	Civil Cause Number 114 of 2014
Date of Judgment:	March 20, 2025
Bar:	For the Claimant: Mr. Yasin Domasi For the Defendant: Mr. James Kambumwa

The Claimant sought damages in the High Court of Malawi against the Defendant for false imprisonment, malicious prosecution, and defamation. The Claimant, a former employee of the Defendant, alleged that the Defendant instigated his arrest and prosecution for the forgery of academic certificates without reasonable cause. The Defendant denied all claims, stating that the police acted on their own initiative. The Claimant was arrested, granted bail, and subsequently acquitted by the Magistrate's Court. Despite the acquittal, he was subjected to a disciplinary hearing and dismissed from his employment.

The Court considered two different CVs presented by the parties. The Court found the Claimant's CV to be more credible, noting several discrepancies in the Defendant's version, including differences in the surname on the alleged forged diploma, the Claimant's marital status, and his religious denomination. The Court concluded that the Defendant had failed to conduct a thorough investigation before involving the police. The Court observed that a malicious prosecution is not merely a wrongful prosecution but one inspired by an improper motive, and that the Defendant's failure to investigate made them liable for the consequences. Furthermore, the Court found that the Claimant's arrest and prosecution, which were published in a newspaper, lowered his esteem in the minds of right-thinking members of society, thereby constituting defamation.

The Court ruled in favour of the Claimant. The Defendant was found liable on all claims, including the costs of the action.