



Case Alert
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ZRP TO PAY ZWL40 MILLION TO TRAUMATISED VENDOR FOR NEGLIGENT DISCHARGE OF FIREARM

ZIMBABWE Republic Police (ZRP) has been ordered to pay ZWL40 million as compensation to an informal trader, who sued for damages for negligent discharge of a firearm after he was shot by a police officer three years ago.

Samson Zharare was left permanently disabled after he was shot on his right leg and sustained serious permanent injuries while his Toyota Vitz vehicle was also damaged when Constable **Blessing Panashe Muchinenyika** negligently discharged a firearm at Jambanja Market in Chitungwiza on 5 July 2020.

As a result of Muchinenyika's unlawful and negligent discharge of a firearm, Zharare is now crippled and has to rely on the services of clutches to move around from one place to another.

He can no longer walk without the support of clutches and has since failed to sustain his livelihood and that of his family as his ability to do so has been heavily dealt a blow by the permanent injury inflicted by Muchinenyika, who unlawfully and negligently discharged a firearm towards him.

The order to compensate Zharare came after the informal trader was assisted by **Freddy Masarirevhu** of **Zimbabwe Lawyers for Human Rights** in June 2021 to sue Constable Muchinenyika, ZRP Commissioner-General **Godwin Matanga** and Home Affairs and Cultural Heritage Minister Hon. **Kazembe Kazembe** for damages.

In his summons, the informal trader claimed ZWL15 million for pain and suffering as he spent more than four months detained and being treated in hospital, where he got steel plates surgically inserted in his right leg and continues to experience excruciating pain while ZWL25 million is for special damages for the loss of earnings, that is income, directly caused by the serious injuries which he sustained and some medical and travel costs incurred during the time that he was nursing injuries to his leg.

Zharare, Masarirevhu said, had since stopped working and incurred a huge medical bill and is no longer able to work as his movement has been permanently compromised since he now has permanent disability.

Instead of being assisted by the negligent police officer and Matanga and Hon. Kazembe to pay for his medical bills and help him recover from the financial loss caused by the careless conduct of Constable Muchinenyika, ZRP officers had the temerity to institute criminal proceedings against Zharare and arrested him on 8 July 2020 and charged him with a litany of charges including attempted murder, resisting a police officer and illegal vending.

Zharare had to experience the horror of being ferried to court from his hospital bed to attend court proceedings. However, he was acquitted at the close of the prosecution case of committing all the three charges as Chitungwiza Magistrate **Morgan Nemadire** ruled that the evidence led by state witnesses during his trial was inconsistent and that the state failed to prove both the mental and physical element of attempted murder. Magistrate Nemadire also ruled that by bringing a litany of charges against

Zharare, the state represented by prosecutor **Tendai Mukariri** had been on a “fishing” expedition.

Now Zharare’s quest for justice to be done has been served as High Court Judge Justice **Catherine Bhachi Mzawazi** recently ordered Constable Muchinenyika, Matanga and Hon. Kazembe to pay ZWL40 million to the informal trader for damages for pain and suffering and for special damages for loss of present and future earnings as a result of the permanent injuries inflicted upon him by the law enforcement agent.

ENDS

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