

**IN THE CIRCUIT COURT '10 OF GHANA, ACCRA, HELD THIS THURSDAY
THE 22ND DAY OF DECEMBER, 2022 BEFORE HER HONOUR EVELYN E.
ASAMOAH (MRS)**

**CASE NO.
D21/352/2022**

THE REPUBLIC

V.

MAWULOLO LIWE KELVIN & 1 ANOR.

CHIEF INSPR. BENSON BENNEH FOR THE REPUBLIC
MR. ANDREW K. VORTIA FOR THE ACCUSED

===== **RULIN**

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- In this case, the first accused was charged with the offence of Abetment of crime to wit; Robbery of the criminal and other offences Act, 1960, Act 29.

The facts presented by the prosecution are as follows:- The complainants, in this case, are police personnel stationed at the Police Headquarters motorbike patrol unit ROVER 20 & 21. On 12th April 2022 at about 1:30 am whilst the complainants were on their usual patrol duties spotted the accused persons on a charge- blue boxer motorbike with registration number M-18-GR 53 at Danquah Circle near Osu with the second accused being the pillion rider. The accused persons' demeanor looked suspicious and they were confronted by the complainant.

An instant search was conducted on the second accused person's bag revealed 8 assorted non-functional mobile phones and 2 functional mobile phones

(Green Techno Camon mobile phone and iPhone 6), condoms, a brown empty wallet, and a short machete which was concealed in his person whilst nothing was found on the first accused when searched. The second accused claimed ownership of all the exhibits found on him. Accused persons were handed over to the cantonment police for investigation. During investigations, a call was received on the green techno mobile phone where the caller claimed ownership of the said phone and stated that at about 1:00 am on the same day, the accused persons attacked him with a machete at Legon bus stop whilst waiting for an uber driver and robbed him of his mobile phone. Witness was invited to the office and he was able to identify the accused persons as the thieves who attacked and robbed him of his mobile phone. Caution statements were obtained from the accused persons in the presence of independent witnesses. Accused persons admitted the offences in their statements.

- In the case of **Michael Asamoah and Another vs The Republic Criminal Appeal No. J3/4/2017 dated 26th July, 2017**, Justice Adinyira (JSC) – stated:

“... In terms of summary trials, whether either sections 173 or 174(1) of Act 30 is applicable as the circumstances may be, the accused does not have a right to make a submission of no case because in such cases, the judge is the trier of both law and facts and it’s in the discretion of the trial judge to adduced by the prosecution, whether the evidence is sufficient to make out a prima facie, case for the defence to answer ...”

- The accused denied the charges. The particulars of the offence states “ Mawulolo Kelvin Liwe aged 22 an Okada rider for that you on the 12th day of April, 2022 at Legon/Accra in the Greater Accra Circuit ... you did aid one Majeed Mohammed to commit crime to wit – robbery”.

The accused herein in his caution statement dated 12th April, 2022 did not deny that he was at the scene of crime, on the day of the incident around 12.00 midnight. He indicated that he moved his Okada – Motorbike to where the complainant was sitting with a “Ghana must go bag” and that together with A2 who was convicted, they sped off quickly but intercepted by the police. He stated:

“... I delayed and got there at almost 12.00 am. I took on the motorbike to ride back home ... As I moved some few distance we saw a young man sitting on a pavement with a Ghana must go bag beside him. My pillion asked me to ride towards the person. I did as he instructed and about 2 – 3 meters, I stopped. My friend came down from the motor aggressively and walked towards the person. In less than 3 minutes, he returned and sat on the motor bike and instructed me to ride quickly to leave the scene. On reaching Dankwah Circle, we were intercepted by the police motorbike patrol team...”

- The evidence so far presented points out that A1 was at the scene with a motorbike to facilitate movement and they did confront the complainant whose items were taken away. In the view of the court that a prima facie case has been established; Accused has a case to answer. He is called upon to open his defence.

**H/H EVELYN E. ASAMOAH (MRS)
CIRCUIT COURT JUDGE**