

IN THE CIRCUIT COURT "A", TEMA, HELD ON THURSDAY, THE 13TH
DAY OF APRIL, 2023, BEFORE HER HONOUR AGNES OPOKU-
BARNIEH, CIRCUIT COURT JUDGE

SUIT NO: D8/10/21

THE REPUBLIC

VRS:

BENJAMIN AWULEY ADDICO

ACCUSED PERSON

PRESENT

ASP STELLA NASUMONG FOR PROSECUTION PRESENT

KOMLA ONNY, ESQ. FOR THE ACCUSED PERSON PRESENT

JUDGMENT

FACTS:

The accused person was arraigned before this court on 1st July, 2021, on a charge of Causing Harm contrary to **Section 69** of the Criminal Offences Act, 1960(Act 29).

The brief facts presented by the prosecution are that the complainant, Jones Mensah, is a Ghanaian businessman resident in the United States of America whilst the accused person is a National Security Operative stationed at the Tema Port. The prosecution alleges that on 11th May, 2021, the complainant cleared his container from the Tema Port and whilst returning to Accra, he crossed the accused person's vehicle with his vehicle at a place known as Mankwadze Roundabout in Tema. Thereafter, the accused person followed the complainant's vehicle flashing his headlight to signal him to stop but he failed to do so until they were involved in an accident. This led to a

confrontation between the complainant and the accused person after which onlookers assisted him to push his vehicle back onto the road and he drove off leaving the accused person.

The prosecution further alleges that this infuriated the accused person who left his vehicle on the road and joined a sprinter bus to pursue the complainant. The prosecution further claims that on reaching the Accra-Tema motorway, about 40 meters from the tollbooth, the accused person saw the complainant's vehicle and alighted from the sprinter vehicle, dashed towards the complainant's car, pulled him out of his car and subjected him to severe beatings and in the process, the complainant sustained a cut on his head.

Subsequent to that, a Police patrol team got to the scene and sent the complainant and the accused person to the Tema Regional Police Headquarters where a complaint was lodged. A police medical form was issued to the complainant to go to the hospital where he was treated and discharged and the medical form was duly endorsed. After investigations, the accused person was charged with the offence and arraigned before the court.

THE PLEA

The accused person pleaded not guilty to the charge after it had been read and explained to him in the English language. The accused person having pleaded not guilty to the charge put the facts of the prosecution in issue and thereafter the prosecution assumed the onerous burden to prove the guilt of the accused person beyond reasonable doubt.

To prove their case, the prosecution called five witnesses and tendered in evidence **Exhibit "A"** series –Photographs of the complainant with injuries on the head, the scene of the alleged crime and a sprinter bus, **Exhibit "B"**- Investigation Caution Statement, **Exhibit "C"**, Charge Statement of the accused person, **Exhibit "D"**- Police Medical Form. At the close of the case for the prosecution, counsel for the accused person submitted that there is no case made out sufficiently against the accused person to require him to open his defence and filed a written submission of no case of on 16th May, 2022. On 23rd May, 2022, this Court ruled that a prima facie case of causing harm is made out against the accused person requiring him to open his defence. The accused person also testified in his defence and called two witnesses in his defence.

BURDEN OF PROOF

A time-honoured principle underpinning our criminal justice system is that a person accused of a crime is presumed innocent until he has voluntarily pleaded guilty to the charge or proven guilty. Consequently, in criminal cases, unless otherwise provided by statute, the burden is on the prosecution to prove the guilt of the accused person beyond reasonable doubt. **See Sections 10, 11, 13 and 15** of the Evidence Act, 1975(NRCD 323). In the case of **Asante (No.1) v. The Republic (No.1)** [2017-2020] I SCGLR 132 at 143 per Pwamang JSC held that:

"Our law is that when a person is charged with a criminal offence it shall be the duty of the prosecution to prove his guilt beyond reasonable doubt, meaning the prosecution has the burden to lead sufficient admissible evidence such that on an assessment of the totality of the evidence adduced in court, including that led by the accused person, the court would believe beyond a reasonable doubt that the offence has

been committed and that it was the accused person who committed it. Apart from specific cases of strict liability offences, the general rule is that throughout a criminal trial the burden of proving the guilt of the accused person remains with the prosecution. Therefore, though the accused person may testify and call witnesses to explain his side of the case where at the close of the case of the prosecution a prima facie case is made against him, he is generally not required by the law to prove anything. He is only to raise a reasonable doubt in the mind of the court as to his commission of the offence and his complicity in it except where he relies on a statutory or special defence”

Also, in the case of **Dexter Johnson v. The Republic** [2011] 2 SCGLR 60 at page 663, the Supreme Court stated at page 666 that:

“It should be noted that the right of an accused person to a fair trial, has been guaranteed by various constitutional provisions, such as articles 14(2) and 19 of the 1992 Constitution, just to mention a few. The principle can very well be formulated that despite the seriousness of a crime, just as happened in the instant case, if the acceptable principles and requirements on the burden of proof set down by law are not satisfied and/or applied as laid down in the constitution, the Evidence Act, 1975 and the decided cases, then, it is better for guilty persons to walk away free than for an innocent person to be punished or incarcerated. However, the non-satisfaction or breach of the above principles formulated above, must be such that would cause or lead to a substantial miscarriage of justice.”

Thus, the accused person has no obligation to prove his innocence. What is required of an accused person when called upon to open his defence is to raise a reasonable doubt in the case of the prosecution as to his guilt and the standard of proof on the defence is on a balance of probabilities only. See the case of **Osae v. The Republic** [1980] GLR 446, holding 2.

ANALYSIS

Here, the accused person is charged with causing harm contrary to **Section 69** of Act 29. The said section provides as follows;

“A person who intentionally and unlawfully causes harm to any other person commits a second-degree felony.”

In the case of **Brobey v. The Republic** [1982-1983] GLR 806, the court held in its holding 1 that:

“an essential element for the constitution of the crimes of causing harm contrary to section 69 and causing damage contrary to section 172 of the Criminal Code, 1960 (Act 29), was that the harm or damage must not only be intentional but also unlawful. Mere harm or damage without more was insufficient.”

Therefore, to secure conviction on a charge of causing harm, the prosecution must prove the following essential elements.

- a. That the act of the accused caused harm to another person.
- b. That the harm caused by the accused person was intentional.
- c. That the harm caused was without any legal justification.

On the first ingredient of the offence charged, **the prosecution must prove that the accused person caused harm to another person.** Section 1 of the Criminal Offences, Act, 1960 (Act 29) defines the word “*harm*” as:

“A bodily hurt, disease, or disorder, whether permanent or temporary.” To prove this ingredient of the offence charged, the prosecution called five witnesses. The first prosecution witness (PW1) who is the complainant testified that on 11th May, 2021 between 7:30pm and 8:00pm, he was driving from Tema Harbour towards Accra and on reaching the Mankwadze roundabout, he saw a vehicle behind him blinking its headlamp signaling him to stop. However, he failed to stop when he realized it was not the police signaling to stop. The

vehicle then hit the back of his vehicle, which caused his vehicle to veer off the road posing danger to other road users. PW1 says further that the part of his car that was hit got damaged and the accused person's car, which hit his vehicle, also got damaged. When he got down to observe the damage, the accused person parked his vehicle close to his and also jumped out of his car. A misunderstanding ensued between them and subsequently he was assisted by some people to bring back his vehicle onto the road and he drove off to avoid further confrontation with the accused person.

PW1 further testified that when he got to the Tollbooth on the Motorway, he saw the accused person on the front passenger seat of a sprinter bus shouting at him to stop but because of their earlier encounter, he failed to stop. The sprinter bus chased him at a top speed and crossed his vehicle, which made him to stop abruptly. The accused person then jumped out of the sprinter bus and asked him to hand over his ignition key which he failed to give to him. As soon as he came out of his vehicle, the accused person gave him a heavy blow on his face and hit his face several times. The accused person then lifted him and hit him onto the ground, held and pressed his neck down and hit him repeatedly. The accused person further used a hard object to hit the top of his head and he sustained serious injuries causing him to bleed profusely. He also sustained multiple bruises at his elbow. Whilst the accused person was still beating him on the ground, a man came to the scene, struggled with the accused person and finally rescued him from the torture the accused person was subjecting him to. Thereafter, he called his brother and narrated his ordeal to him. The complainant states that his brother came to the scene to take photographs of his injuries. A police patrol team arrived at the scene and sent them to the Tema Regional Police Headquarters where he lodged a

complaint. He was issued with a police medical form to attend hospital and he went to the Tema General Hospital where he was treated and discharged.

PW2, Zubile Kwabena testified that on 11th May, 2021 at about 9pm, he had parked his articulator truck near the tollbooth located between Accra and Tema-Akosombo interchange. Whilst there, a private car driven by PW1 came to park behind his truck forcefully and seconds later, a sprinter bus came to cross the private car preventing him from moving. PW1 came out of his car and the accused person that he described as a huge man, alighted from the sprinter bus and demanded for the ignition key of PW1's car, which he refused to give to him. The accused person then asked PW1 if he knew who he was. He then gave PW1 blows on his body, carried him high and hit him strongly on the road, held his neck, sat on him and gave him more blows whilst PW1 was on the ground. He hesitated in intervening until a woman in the Sprinter bus approached him to rescue PW1 from the torture the accused person was subjecting him to. He rushed on them and pushed the accused person from PW1 and saw that PW1 had sustained severe cuts on his head and was bleeding profusely. Later, other people and the police came to the scene and took both PW1 and the accused person away. The following day, the accused person, PW1 and other people came to the scene and PW1 introduced him to the investigator as one of the people who witnessed the incident and he narrated what he saw. Later, the investigator called him to assist the police and he gave his statement to the police.

PW3, Isaac Mensah, also confirmed the testimony of PW1 that when he testified that on 11th May, 2021, at about 9:30pm, PW1, who he described as his brother called him on phone and told him that he was under severe attack

at a spot near the tollbooth between the Accra and Tema-Akosombo interchange. He then followed up to the spot immediately. When he got there, he met the police patrol team and observed that PW1 had sustained a fresh cut on his head and was bleeding profusely and in pain. He also saw the accused person with some other people. PW1 informed him that the accused person inflicted the head injury on him so he took photographs of PW1's injuries on the spot. He also took photographs of the sprinter bus that the accused person used to chase PW1. He then followed them and the police patrol team to the police station. He tendered the photographs he took admitted and marked in evidence as **Exhibit "A"** series.

PW4, the investigator, *No. 47741 C/CPL Wisdom Kenny Dzokoto*, testified that when the case was reported, it was referred to him for investigations. PW1 narrated the incident to him and when he inspected his body, he had bruises at the left elbow with his head bandaged. PW1 gave him a medical report and a reflector jacket stained with blood as the jacket he was wearing on the day of the alleged incident. He interrogated the accused person and took his investigation caution statement admitted and marked as **Exhibit "B"**. He visited the scene of the alleged crime where he saw something like blood, which had dried which PW1 identified to him as the blood that oozed from his cut. At the scene, PW4 testified that he interviewed PW2 who was present when the incident happened. He also tendered in evidence the charge statement of the accused person admitted and marked as **Exhibit "C"**

PW5, the medical officer who treated PW1 at the Tema General Hospital and prepared the medical report, admitted and marked as **Exhibit "D"** also gave evidence that PW1 presented at the hospital with a history that someone had

harmed him. Upon examination, he noticed that he had a deep laceration on the scalp which was actively bleeding and bruises which he treated and discharged him the same day. Under cross-examination by counsel for the accused person on whether the injuries sustained by PW1 were life threatening, PW5 testified that the bruises on the elbow were not life threatening but the scalp laceration was life threatening.

The accused person in his caution statement, stated that an incident happened between himself and PW1 when he hit his car denting it in the process and they ended up fighting and that it was not his intention to assault him but it was out of anger.

The accused person put up a spirited defence when he testified that he is an administrative officer with the National Security based at the Tema Harbour and that on 11th May, 2021, he was driving his Ford Escape vehicle with registration No. GS 3851-10, towards Michel Camp and upon reaching Mankoradze Roundabout at Community 1, Tema, a red unregistered Hyundai Velostar Sports vehicle suddenly crossed from the inner lane to the front on the outer lane. As a result, he flashed his headlamps to signal the driver of the said vehicle of what he had done in order for him not to repeat it.

The accused person further testified that after the Community 4 Roundabout and heading straight towards the motorway and Michel Camp, he switched lanes to the inner lane and just opposite the Rana Motors showroom, he suddenly saw a red Hundai Velostar swerve into his lane with his rear left fender hitting and grazing his front right fender which compelled him to

apply his brakes as his car seemed to be out of control. After that, his car on its left side hit the concrete edge of the middle isle, bursting the front tyre and damaging the left drive shaft.

According to his testimony, the said Hyundai Velostar was being driven by PW1 and due to the speed at which he was driving, he climbed the middle isle and could not move further. He alighted to inspect the damage caused to his vehicle and some pedestrians around together with a trotro driver and two men onboard his vehicle came to their assistance. They offered to push the complainant's vehicle which was dangerously in the way of incoming vehicles heading to Tema off the isle and thereafter, he was to park appropriately for them to settle the accident matter. However, after being pushed off the isle, PW1 sped off the motorway and refused to stop when beckoned to do so. The accused person further testified that since he could not chase PW1 with his car, a "trotro" driver assisted him to chase him with his commercial vehicle. When they caught up with him, he noticed that PW1's vehicle had no driving and side mirrors and the back screen was blocked with boxes he had packed there which prevented him from seeing the "trotro" approaching. The "trotro" driver then crossed PW1's vehicle and prevented him from moving as he attempted to take off again at a place where the cargo trucks park overnight at the toll booth of the Tema end of the Motorway.

According to the testimony of the accused person, he alighted and confronted PW1 on why he fled the accident scene after hitting his vehicle. PW1 denied hitting his vehicle and started arguing with him on that issue. He then ordered him to alight from his vehicle but PW1 refused to do so and he opened his door and asked him to come out to see his vehicle tyre mark at the

rear end left fender of his car. He was still adamant, insisting on leaving and so he held him and PW1 was compelled to come out of the car hitting his head on the upper door frame in the process.

The accused person further states that he did not see any cut nor bleeding at that point and it was only when they got into a verbal altercation that someone with the trotro driver drew his attention to the fact that he was bleeding from the top of his head. When PW1 realized that he was bleeding, he became hysterical and held him which led to a struggle between them on the ground and PW1 tore his dress in the process. The accused person maintains that he never lifted PW1 up to hit him on the ground and he is incapable of doing so due to an accident he had which has dislocated his left shoulder joint.

According to him, during the fight, the bystanders separated them and he called the police emergency number 18555 for assistance but as at 9:30pm the police had not arrived. Subsequently, two men arrived at the scene claiming to be from Tema Branch of Economic and Organised Crime Organisation (EOCO) with one of them claiming to be PW1's brother. The police later arrived at the scene and took himself and PW1 to Tema Regional Police and the complainant was given a medical form to see a doctor. When he also complained of pains in his left shoulder as a result of the fight and demanded a police medical form, one ACP Dzakpasu refused and detained him in police cells for over three hours until he was released on bail at 2:00am on 12th May, 2021. On his release on bail, he saw that his vehicle had been towed to the police station. After investigations, he was charged with assault and

arraigned before the District Court, Tema, which was later withdrawn and he was placed before this court on a charge of causing harm.

The first defence witness (DW1), Osei Kwabena testified that he is a commercial driver and on 11th May, 2021, he transported passengers from Lapaz to Community 1 Tema. Whilst returning to Lapaz with his driver's mate and a relative on board his vehicle, and they got to Mankoadze Roundabout towards Rana Motors showroom and Valco roundabout, he saw an unregistered red Hyundai Velostar sports car ahead him driving recklessly which he drew the attention of his driver's mate to the reckless manner the driver was driving. On negotiating the roundabout, the red car suddenly crossed from the outer lane unto the front of a Ford Escape SUV in the inner lane and veered off the road as its back left fender scrapped the front right fender of the Ford Escape being driven by the accused person causing the Hyundai to veer off the road.

DW1 further testified that he noticed that the red Hyundai Velostar vehicle did not have side mirrors to aid the driver see his sides and back and the interior was loaded with boxes blocking the rear windscreen so he seemed to be doing blind overtaking. On veering off the road, the said Hyundai vehicle climbed unto the isle separating the dual carriageway and sat stuck on it facing the oncoming traffic and obstructing the road. He identified the car as the one which was driving recklessly. They then stopped and alighted from their car and assisted PW1 who was driving the said vehicle to push the car off the isle to park properly and to help him resolve the accident issue with the accused person. However, after pushing him off, he drove towards the

Community 4 roundabout and headed towards Afienya direction and refused to stop.

DW1 again testified that the accident had rendered the accused person's vehicle stationary. He told the accused person to join them in their vehicle to chase the vehicle of PW1 which he did and they caught up with him at the Tema end of the Accra-Tema Motorway toll booth. He then crossed the vehicle of PW1 to prevent him from escaping. They all alighted from his vehicle, and the accused person confronted PW1 with both of them angry and struggling with each other and fell to the ground with accused's shirt getting torn in the process. When they separated them, they saw blood coming from the top of the head of PW1. He then got his relative who had accompanied him to Tema to get some policemen located at the top of the flyover at the Tema end of the motorway to the scene. The police and some officers claiming to be from EOCO who had been called by PW1 arrived at the scene, sacked them from the scene and as if by design, they were all blaming the accused because the complainant was bleeding which surprised him very much and they left for Abeka Lapaz.

Under cross-examination by the prosecution DW1 answered as follows;

Q: Can you tell the court who pulled complainant out of his car?

A: My Lord, it was the accused person.

Q: When you caught up with complainant before the accused person pulled him out, did you see any blood on his head?

A: My Lord, I did not see him bleeding from the head.

Q: From the evidence, it was when accused person pulled complainant out of the car that you saw him oozing blood from his head.

A: It was after the accused person pulled complainant out of the car and they went to stand in front of a trailer that I saw blood oozing from the complainant.

Q: I am putting it to you that the head injury and the blood you saw oozing was as a result of the beatings accused subjected complainant to.

A: My Lord, he did not subject him to any beatings.

The second defence witness (DW2), one Asiedu Evans Akyaw testified that he is a commercial driver and on 11th May, 2021, DW1 who is his relative asked him to accompany him on a trip from Abeka Lapaz to Tema. They left Abeka Lapaz at 6:30pm thereabout and arrived at Tema close to 8:00pm and alighted the passengers at Site 20 Tema Community 1. Whilst returning to Accra, they were three in the vehicle i.e., the driver, his mate and himself when they observed PW1 driving in a reckless manner leading to the accident with the accused person's vehicle damaging it in the process. When they alighted from their vehicle and confronted PW1 on where he was going that he was driving at a breakneck speed, he could not respond since the incident had left him badly shaken and out of breath. When he regained his composure, he responded that it was not his fault. They helped push him off the isle since the vehicle was dangerously parked in the road.

DW2 further testified that the incident left the accused confused and with a damaged vehicle, so they asked him to join their "trotro" to chase PW1. They caught up with him at the toll booth of the motorway and forced him to park as he was still trying to get away and they crossed him to compel him to stop at where the cargo trucks were parked. They all alighted and questioned PW1 on why he tried to escape from an accident scene that he had caused. The accused person then opened PW1's car door and asked him to alight but he

refused. The accused person then began to pull him out of the car, while he resisted. When PW1 came out of the car, he saw that he had hit head on top of the sports car since it was very low. When PW1 realized that he was bleeding, he started shouting that the accused person had injured him and started wrestling with the accused person and they both fell on the ground. They tried to separate them but PW1 became violent and wanted to fight with the accused person as he was bleeding. He left the scene to go get some policemen located on the motorway flyover. When he returned to the scene, he met PW1 with some people who appeared to be his relatives and friends. The police who had arrived told them to leave and they left for Abeka. DW2 under cross-examination by the prosecution, testified that when the accused person was chasing PW1 he was following him and telling him to stop and forget about the issue and when PW1 got hurt, because he was the closest person to him, his dress got stained with blood. Again, under intense cross-examination, DW2 answered as follows;

Q: You just told this court you were sitting in the car when accused person was pulling PW1 from his car.

A: Initially I was in the sprinter.

Q: I am putting it to you that the head injury of PW1 was caused by accused which led to him bleeding profusely.

A: Yes my Lord.

Q: On that day, you will also agree with me that this incident attracted other people to the scene.

A: Yes my Lord.

Q: I am putting it to you that PW2, the truck driver who witnesses how the accused person was beating and molesting PW1 came to his rescue.

A: My Lord, I cannot specify that I was able to identify the truck driver. The incident attracted many people to the scene and were all trying to separate them.

Q: I am putting it to you that PW2 who came to testify in this court was one of the people who came to give evidence in this court.

A: Yes, my Lord.

Q: I am finally putting it to you that you witnessed and looked on whilst the accused person caused harm to PW1 for which reason we are in court.

A: In my testimony, I told the court that when the accused person got out of the car to fight, I asked him to stop. When he was going, I asked him to stop but because the accused person was angered by what the complainant did, he did not listen to me.

From the evidence led by the prosecution and the defence put up by the accused person on the issue of whether or not the accused person caused harm to PW1, there is no issue that bodily harm was caused to PW1 as shown in the photographs admitted and marked as **Exhibits "A", "A1" and "A2"** and corroborated by the medical report, admitted and marked as **Exhibit "D"** which shows that PW1 had scalp laceration secondary to assault, bruises on the left elbow and musculoskeletal pain. The evidence of the prosecution witnesses which is corroborated by the testimony of DW1 is that PW1 sustained the injuries during the fight with the accused person. I therefore find that the accused person caused harm to PW1.

Secondly, the prosecution must prove that the accused person caused the harm intentionally. The accused person under cross-examination by the prosecution testified that his intention in chasing after PW1 was to arrest him after the accident and hand him over to the police since he had caused

damage to his car and not to cause harm to him. The accused person further testified under cross-examination by prosecution that the head injury of PW1 was accidentally caused. **Section 11** of Act 29 has elaborate provisions on what constitutes intent for the purpose of causing or contributing to cause an event. It is trite learning that not even the devil knows the intent of man and a man intends the natural and probable consequences of his actions. In the instant case, the evidence shows that the accused person after the accident, chased after the vehicle of PW1 in a manner that appears like a James Bond action movie putting himself, the occupants of the commercial vehicle and other road users at risk. The defence witnesses recounted how they crossed the vehicle of PW1 on the motorway to prevent him from moving to enable the accused person to confront him over an earlier accident that had occurred. This confrontation led to a fight leading to the injuries sustained by PW1. The accused person who at all material times knew the police emergency contact phone numbers chose not to call for help but rather pursued PW1 in a dangerous manner, caught up with him, confronted him angrily and fought with him leading him to sustain injuries before he remembered to call the police emergency numbers as he would want the court to believe. These set of facts and evidence cannot by any stretch of imagination be deemed accidental but rather intentional. I therefore find that the accused person intentionally caused the bodily harm to PW1.

Lastly, **the prosecution must prove that the harm caused to PW1 was without any legal justification.** **Section 31** of Act 29 provides the grounds under which the use of force or harm may be justified subject to specified conditions as follows;

(a) *of express authority given by an enactment; or*

- (b) *of authority to execute the lawful sentence or order of a Court;*
- (c) *of the authority of an officer to keep the peace or of a Court to preserve order;*
- (d) *of an authority to arrest and detain for felony; or*
- (e) *of an authority to arrest, detain, or search a person otherwise than for felony;*
or
- (f) *of a necessity for the prevention of or defence against a criminal offence; or*
- (g) *of a necessity for defence of property or possession or for overcoming the obstruction to the exercise of lawful rights; or*
- (h) *of a necessity for preserving order on board a vessel; or*
- (i) *of an authority to correct a child, servant, or other similar person, for misconduct; or*
- (j) *of the consent of the person against whom the force is used.*

The accused person has not shown by his defence that any of the justifications specified in the law applies in the circumstances of this case to exculpate him from liability. The harm caused by the accused person to PW1 cannot be said to be in the exercise of a right to self defence. The evidence led by the prosecution witnesses and the defence witnesses shows that the accused person engaged PW1 in a fight which resulted in the harm caused. Under **Section 38** of Act 29, every fight is unlawful and a force or harm used in an unlawful fight cannot be justified. I therefore hold that the accused person had no legal justification to cause harm to PW1.

On the totality of the evidence led by the prosecution and the defence put up by the accused person, I hold that the prosecution proved their case beyond

reasonable doubt that the accused person intentionally and unlawfully caused harm to PW1. I therefore pronounce the accused person guilty of the charge of causing harm and convict him accordingly.

SENTENCING

The Supreme Court in the case of **Douglas Afriyie v. The Republic** [Crim. Appeal No. [J3/04/2021] delivered on 9th November, 2022 quoted with approval the words of Alexander Hamilton in his “Federalist Papers of 1787” when he stated as follows:

“It is essential to the idea of a law, that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will, in fact amount to nothing more than advice or recommendation.”

The court, in sentencing the accused person has considered both mitigating and aggravating factors. The court takes into consideration, the plea in mitigation of sentence made by counsel for the accused person, the fact that the accused person is a first-time offender. The accused person is also married with dependents and the age of the accused person is also considered. The court also cannot gloss over the dangerous manner in which the accused person used a commercial vehicle on the motorway to chase PW1 without any regard for his life and the lives of the other people involved. The court also considers the injury sustained by PW1. The sentence should also be such as to deter people from meting out mob justice or jungle justice which has no place in any decent or functional democracy on people alleged to have committed crimes and to encourage due process in seeking justice against alleged perpetrators of crimes.

I therefore sentence the accused person to serve a term of imprisonment of three (3) years in hard labour.

ANCILLARY ORDER

In accordance with **Section 148** of the Criminal and Other Offences Procedure Act, 1960(Act 30), the accused person shall pay the equivalent of 500 penalty units (GH¢6,000) as compensation to the victim (PW1).

H/H AGNES OPOKU-BARNIEH
(CIRCUIT COURT JUDGE)