IN THE CIRCUIT COURT HELD AT ACHIMOTA, ACCRA ON TUESDAY, THE 22ND DAY OF AUGUST, 2023 BEFORE HER HONOUR AKOSUA ANOKYEWAA ADJEPONG (MRS.), CIRCUIT COURT JUDGE

CASE NO.: D6/002/23

THE REPUBLIC

VRS

1. **EVANS BOAKYE**
2. **IBRAHIM SULEMANA**

ACCUSED PERSONS PRESENT

A.S.P. STEPHEN AHIALE FOR THE REPUBLIC PRESENT

NO LEGAL REPRESENTATION FOR THE FIRST ACCUSED PERSON
RAPHAEL KOFI BONIN, ESQ. FOR THE SECOND ACCUSED PERSON ABSENT

JUDGMENT

The accused persons were arraigned before this court charged with Stealing contrary to ***section 124(1)*** and Dishonestly Receiving contrary to **s*ection 146* of the *Criminal and Other Offences Act, 1960 (Act 29)*** respectively.

The charges were read and explained to the first and second accused persons in Twi and Dagbani respectively being their choice of language. Whilst the first

accused person pleaded guilty with explanation on count one, the second accused person pleaded not guilty on count two.

The explanation of the first accused person on count one was as follows:

> *"I did not steal the car, the complainant gave me the car to work with. I did not steal it."*

Upon examining the explanation of the first accused person on count one, the court entered a plea of not guilty for him and conducted a trial.

The brief facts of the case as presented by the prosecution are that the complainant John Larbi is a commercial driver and resides at Latebiokoshie, Accra whilst the accused persons Evans Boakye and Ibrahim Sulemana are taxi driver and scrap dealer residing at Odorkor and Sowutuom, Accra, respectively. That during the month of January 2023 complainant gave his Hyundai Jet taxi cab number GW 8581-20 to work with. A1 on receiving the taxi cab bolted with it and complainant did not hear from him. On 13th February 2023, complainant reported the case to Kaneshie police for investigations. On 17th February 2023 police had information that A1 was hiding at Kpasah in the Volta North Region. That Kaneshie police in collaboration with Kpasah police arrested A1 to Kaneshie police for investigations. That in his caution statement A1 indicated that he sold the taxi cab in question to A2 at Sowutuom at the cost of GH¢1,800.00. A2 was subsequently arrested and in his caution statement A2 admitted the offence and further indicated to police that he had dismantled the taxi cab into scraps and sold them. That A1 offered to pay the cost of the taxi cab which was estimated at GH¢35,000.00 and paid cash of GH¢5,000.00 to police. After investigations, accused persons were charged with the offences stated in the charge sheet and brought before the court.

At the trial, the prosecution called two (2) witnesses.

Evidence of PW1

PW1 stated in his evidence to the court that he is a taxi driver and lives at Latebiokoshie, Accra. That somewhere in January 2023 he gave his Hyundai Jet taxi cab with registration number GW 8581 20 to A1 to work but he did not hear from A1 again over a month. That on 13th February 2023 he reported the case to Kaneshie police station for investigations, and he gave his statement to the police to assist investigations. According to PW1, on 17th February 2023 he had information that A1 was hiding somewhere at Kpasah in the Volta Region so he quickly informed the investigator about it and he also contacted the Kpasah police. That with their assistance A1 was arrested and brought to Kaneshie police station to assist investigations where A1 admitted that he indeed gave the said vehicle to him but had sold it to A2 at Sowutuom. He tendered in evidence DVLA Form C as exhibit 'A'.

Evidence of PW2

PW2 (Investigator) gave his name and rank as Detective Inspector Hamidu Nkansah stationed at the Kaneshie police station CID, Accra. According to PW2 on 13th February 2023 whilst on duty as the detective at the said CID office, the complainant reported that in January 2023 he gave his taxi cab Hyundai Jet with registration number GW 8581 to one Evans Boakye to work with at the Kaneshie lorry station but after that he did not set eyes on either the vehicle or the said Evans Boakye. PW2 confirmed the evidence of PW1 and also the facts as presented by the prosecution. He further testified that during investigations A1 indicated that he went to A2 who owed him GH¢500.00 in a car sale transaction to demand his money. A2 on seeing complainant's car with him convinced A1 to

sell the vehicle to him and priced it at GH¢3,000.00 which A1 agreed. A2 then gave an amount of GH¢200.00 as part payment and took custody of the car. That A1 stated that A2 had so far paid GH¢2,000.00 to him. That on 22nd February 2023 A2 was arrested and he admitted in his caution statement that A1 brought the said vehicle to him that he wanted to sell it but upon examining the vehicle he realized it was in a good condition so he declined to buy it but A1 pleaded with A2 to buy it. That according to A2 he took custody of the vehicle and gave A1 GH¢4,000.00. PW2 further testified that A2 admitted that he had dismantled the said vehicle into scraps and already sold them so he pleaded with the police to allow him pay the cost of the vehicle to the complainant. That A2 on 27th February 2023 refunded an amount of GH¢5,000.00 to police as part payment of the cost of the vehicle and same was retained as exhibit. PW2 tendered in evidence, exhibits 'B', 'B1', 'C', 'C1' and 'C2' being the investigation caution statements and charge statements of the accused persons respectively.

Thereafter, the prosecution closed its case.

After the close of the case of the prosecution, the Court examined the evidence adduced by the prosecution witnesses to determine whether a prima facie case had been made by the prosecution to warrant the accused persons to open their defence. The Court then gave a ruling that a prima facie case had been made and the duty of the accused persons was to raise a reasonable doubt in the case of the prosecution.

In the case of ***The Republic v District Magistrate Grade II, Osu, Ex parte Yahaya*** **[1984-86] 2 GLR 361 – 365** Brobbey J (as he then was) stated that:

> *"…evidence for the prosecution merely displaces the presumption of innocence*

but the guilt of the accused is not put beyond reasonable doubt until the accused himself has given evidence."

In view of the above, the Court found that the accused persons had a case to answer and were therefore called upon to enter into their defence, after the options available to them as accused persons were explained to them.

Defence of the Accused Persons

In his defence the first accused person stated in his Witness Statement that he is a taxi driver and has no fixed place of abode. That he knows the complainant who gave him a taxi to work with which is Hyundai Jet with registration number GW 8581. He continued that the second accused person is his friend whom he went to for a loan to travel to Kpasah. That A2 gave him GH¢700.00 as loan and asked him to leave with him the taxi that was given to him by the complainant and said that he will give it to another taxi driver to work with. That when he went to Kpasah the money on him got finished so he called A2 for additional money who sent him GH¢1,100.00 in addition to the GH¢700.00 he had already given him. That he received a total amount of GH¢1,800.00 from the second accused person. That he called his father who informed him that the complainant was looking for him and he told his father he went to check up on his daughter. That his father gave his number to the complainant to call him; that when the complainant called him he told him he went to check up on his daughter. According to the first accused person he called the second accused and told him he will be coming back for the taxi he left with him and the second accused person told him to inform the complainant that the car has been taken away from him by armed robbers. That he told the second accused person that he had not sold the car to him so could not tell the car owner what he wanted him to say. That when he

was arrested he told the police that he gave the car to the second accused person and gave his contact number to the police. That when the second accused person was eventually arrested by the police he told him that he will deny that the first accused person brought a car to him because he did not tell the complainant that the car had been taken by armed robbers.

The second accused person in his defence, stated in his Witness Statement that he lives at Sowutuom and is a scrap dealer, that he does not know the complainant but knows the first accused person and got to know him when he sold scrap Nissan car to him. That after buying the scrap Nissan car he travelled to the North. That he received a call from the first accused person when he was at the North that his daughter was not well and that he needed money to take care of her. That the first accused person also told him that he had brought a car to be parked at his place. That the first accused person asked him for GH¢500.00 to take care of his daughter which he sent GH¢500.00 to him. That upon his return from the North he was arrested by the police the following day. That the investigator asked him whether he bought a Hyundai Jet car from the first accused person and he answered in the negative. According to the second accused person the investigator insisted he should say he had bought the Hyundai Jet car from the first accused person and he refused. That he was granted bail at the police station for which he paid GH¢1,500.00 to the investigator for the bail condition. That at the police station the complainant asked him to pay GH¢5,000.00 to him when they appeared before the commander; and he was brought to court thereafter.

Both accused persons called witnesses in defence of the charges against them. However it is important to state that the issue in proof of which those witnesses

were called did not touch on the core issues set down as relevant to the determination of the case. It appears that both accused persons got swayed away from the core issues in this case which they ought to have led evidence in proof of. The testimonies of the witnesses called by both accused persons related to an assertion by the first accused person that the second accused person told him to deny knowledge of the car in question just as he had done as advised by his lawyer. The second accused person denied this allegation by the first accused person and sought to lead evidence in relation to that. However the said allegation does not have any major effect on the issues before the court.

The accused persons thereafter closed their respective defence.

The legal issues to be determined by this court are

1. *Whether or not the first accused person dishonestly appropriated Hyundai Jet taxi cab number GW 8581-20 valued at GH¢35,000.00 being the property of one John Larbi.*
2. *Whether or not the second accused person dishonestly received Hyundai Jet taxi cab number GW 8581-20 valued at GH¢35,000.00 being the property of one John Larbi, which he knew to have been obtained or appropriated by means of stealing*.

After the trial, I had to examine the cogency of the evidence to determine whether or not the evidence adduced by the prosecution could ground a conviction against the accused persons who have been charged with stealing and dishonestly receiving respectively.

The cardinal rule in all criminal proceedings is that the burden of establishing the guilt of the accused person is on the prosecution and the standard of proof

required by the prosecution should be proof beyond reasonable doubt as provided in the ***Evidence Act, 1975 (NRCD 323)***, per ***sections 11(2) and 13(1).***

In the case of ***Republic v. Adu-Boahen & Another*** **[1993-94] 2 GLR 324-342**, per Kpegah JSC, the Supreme Court held that:

> "*A plea of not guilty is a general denial of the charge by an accused which makes it imperative that the prosecution proves its case against an accused person... When a plea of not guilty is voluntarily entered by an accused or is entered for him by the trial court, the prosecution assumes the burden to prove, by admissible and credible evidence, every ingredient of the offence beyond reasonable doubt*".

Section 124 (1) ***of Act 29*** provides on Stealing and **se*ction 125 of Act 29*** defines Stealing as follows:

> "*A person steals if he dishonestly appropriates a thing of which he is not the owner*".

Taylor J (as he then was) in the case of ***Lucien v. The Republic*** **[1977] 1 GLR 351-359** laid out the elements in the offence of stealing per holding 2 as follows:

> "*The only basic ingredients requiring proof in a charge of stealing were that:*
>
> *i. the person charged must not be the owner of the thing stolen,*
>
> *ii. he must have appropriated it and*
>
> iii. *the appropriation must have been dishonest*".

It is clear from the definition that a person cannot be guilty of stealing unless he is proved to have appropriated a thing in the first place.

Section 122 (2) of Act 29 defines Appropriation as follows:

> *"An appropriation of a thing in any other case means any moving, taking, obtaining, carrying away, or dealing with a thing, with the intent that some person may be deprived of the benefit of his ownership, or of the benefit of his right or interest in the thing, or in its value or proceeds, or any part thereof".*

For the prosecution to sustain the charges against the accused persons therefore, it must be able to prove the elements of stealing and dishonestly receiving beyond reasonable doubt, from the evidence on record.

After a careful examination of the evidence adduced at the trial, I made the following findings of facts and observations:

From the evidence on record, it is not in doubt that the complainant gave his Hyundai Jet taxi cab number GW 8581-20 to the first accused person work with. It is gathered from the evidence on record that the first accused person had the said car with him for only two days and the events leading to the instant case started.

Relevant part of the cross examination of the first accused person by the prosecutor on 4th May 2023 is as follows.

> *"Q: You never made any sales to the complainant?*
>
> *A: I did not make any sales to the complainant because the car was just two days after he gave to me then I went to leave it with second accused person."*

Therefore, from the above piece of evidence on record, it is not in doubt that the first accused person had the complainant's car with him for him to work with.
The evidence before this court further indicates that after the complainant gave first accused person his said car to work with, he did not make any sales to the complainant and on the third day of having the said car to work with, he decided to deal with the said car in his own terms to the detriment of the complainant who gave same to him to work with.

From the elements of the offence of stealing, the accused person must have appropriated the thing, the appropriation must have been dishonest and he must not be the owner of the thing stolen.
As provided in section 122 (2) of Act 29, to appropriate a thing means moving, taking, obtaining, carrying away, or **dealing with a thing**, with the intent that some person may be deprived of the benefit of his ownership, or of the benefit of his right or interest in the thing, or in its value or proceeds, or any part thereof. **[Emphasis mine]**

From the evidence on record, PW1 who is also the complainant told the court that somewhere in January 2023 he gave the car in question to first accused person to work with but he did not hear from him again so he reported the case to Kaneshie police station for investigations. The first accused person did not deny this assertion by the complainant. He actually admitted same and his defence was that he went to the second accused person who is his friend for a loan to travel to Kpasah; which the second accused person gave him GH¢700.00 and asked him to leave the said car with him to give to another taxi driver to work with.

Therefore the reasonable question is why the first accused person did not return the complainant's car to him when he knew he was travelling to Kpasah but took it to a different place knowing very well that the said car does not belong to him.

From the defence of the first accused person, he did not act honestly in relation to the said car and the complainant because if indeed he needed money to travel to Kpasah, he did not have any authority from the complainant to leave complainant's car with another person even if the second accused asked him to do same. The first accused person ought to have returned the complainant's car to him before embarking on whatever journey to Kpasah.

From the evidence on record even when first accused person became aware that the owner of the car was in search of him, he did not come to Accra to give the complainant's car to him. Rather he was arrested by the Kpasah police in Togo and was handed over to the Kaneshie police as he told the court under cross examination. This is a clear indication that, had the first accused person not been arrested by the police he would have run away from the complainant after he took his car to work with same. The first accused person also admitted under cross examination that he acted in bad faith towards the complainant.

Below is the relevant part of the cross examination of first accused person by the prosecutor on 4th May 2023.

"Q: I put it to you that you were indeed arrested at Kpasah by the Kpasah police and you were handed over to the Kaneshie police.

A: Yes I was arrested by the Kpasah police but not in Kpasah. I was arrested at Saibu in Togo by the Kpasah police and given to Kaneshie police.

Q: Did you make any effort to look for the complainant?

A: No.

Q: So you agree with me that you acted in bad faith?

A: I agree that I acted in bad faith towards the complainant."

What the first accused person stated in exhibit 'B' being his caution statement dated 17th February 2023 is found below:

> *"I am Evans Boakye, 38 years old and commercial driver but resides at Odorkor. Over a month ago complainant gave his vehicle Hyundai Jet to use for commercial work. Within that same period I met one Alhaji whom I have sold a vehicle to before and he convinced me to sell the said vehicle to him at a price of GH¢3,000.00 but I told him the vehicle was not for me so I wasn't going to sell it, he asked me to hand over to him the ignition key and I willingly gave it to him and he gave me GH¢2,000.00. He has paid me GH¢2,000.00 and he was even the person who asked me to run away from Accra into hiding. Until my arrest on the 14th February 2023 I was hiding at Kpasah in the Volta Region".*

From the evidence on record and applying the relevant authorities above to the present case; and from the conduct of the first accused person in relation to the said car which does not belong to him, it can be safely and reasonably concluded that the first accused person dishonestly appropriated the car in question which belongs to the complainant.

The reasons given by the first accused person in his defence are not reasonably probable because he simply had to return the complainant's car to him if indeed he urgently had to travel to Kpasah which defence this court deems as an afterthought because the first accused person never stated the urgent need to travel to Kpasah in his caution statement.

In relation to the second accused person, the charge against him is Dishonestly Receiving contrary to **s*ection 146* of *Act 29***.

Section 146 of Act 29 on dishonestly receiving property provides that:

> *"A person who dishonestly receives property which that person knows has been obtained or appropriated by a criminal offence punishable under this Chapter, commits a criminal offence and is liable to the same punishment as if that person had committed that criminal offence."*

Section 147(1) of Act 29 also provides that:

> *"A person commits the criminal offence of dishonestly receiving property which that person knows to have been obtained or appropriated by a criminal offence, if that person receives, buys, or assists in the disposal of the property otherwise than with a purpose to restore it to the owner."*

Section 148(1) of Act 29 on possession of stolen property provides that:

> *"Where a person charged with dishonestly receiving is proved to have had in possession or under control, anything which is reasonably suspected of having been stolen or unlawfully obtained, and that person does not give an account, to the satisfaction of the Court, as to the possession or control, the Court may presume that the thing has been stolen or unlawfully obtained, and that person may be convicted of dishonestly receiving in the absence of evidence to the contrary."*

It is clear from the elements of the offence of dishonestly receiving that a person cannot be guilty of dishonestly receiving unless the property is proven to have

been obtained or appropriated by a criminal offence in the first place and further the accused person knew about same but still received, bought or assisted in its disposal other than to restore it to the owner.
In the instant case, from the analysis supra in relation to the first accused person it has been found that he dishonestly appropriated the car in question which belongs to the complainant.

From the evidence before this court, PW2 told the court that the first accused person upon his arrest mentioned the second accused person as the one he sold the car to. That the second accused person also admitted in his caution statement that the first accused person brought the said vehicle to him that he wanted to sell it but upon examining the vehicle he realized it was in a good condition so he declined to buy it but the first accused person pleaded with him to buy it. From the evidence of PW2 second accused person said he took custody of the said vehicle and gave the first accused person GH¢4,000.00 and further admitted that he has dismantled the said vehicle into scraps and sold them so he pleaded with the police to allow him to pay the cost of the vehicle to the complainant.

The second accused person having pleaded not guilty, the burden is on the prosecution to prove that he dishonestly received the said vehicle that is, the second accused person knew that the car was obtained or appropriated by a criminal offence, and he received, bought, or assisted in the disposal of the said car otherwise than with a purpose to restore it to the complainant.

From the evidence on record, the second accused person in exhibit 'C1' which is his further caution statement stated as follows:

"I am Sulemana Ibrahim 32 years old and scrap dealer but resides at Sowutuom. I wish to further state that Evans brought a Hyundai Jet to me about a month and over ago to buy. I didn't want to buy it initially but upon the insistence of Evans I took the said vehicle and gave him GH¢500.00 to come for the remaining money. I dismantled the vehicle into scrap since that's my work. I wish to state that I am ready to refund complainant's money to him."

From exhibit 'C1', the second accused person admitted buying the said vehicle from the first accused person and further dismantled same. From the conduct of both accused persons as they admitted in their respective investigation caution statements, the second accused person knew or ought to have known that the circumstances in which first accused person sold the said vehicle to him indicated that he appropriated it by a criminal offence as he did not give him any documents covering the car and also the price at which it was sold to him should have raised some questions. Given the market value of the said vehicle as stated on the charge sheet and confirmed by the complainant, the second accused person ought to have known that the value of the vehicle far exceeded the amount he paid for same when he bought it from the first accused person.

When the second accused person gave evidence before the court he completely denied everything he had stated in his further caution statement and set out a different story as his defence. He actually denied knowledge of the car in question in his defence before the court.

These investigation caution statements of the accused persons thus exhibit 'B' and 'C1' which are also confession statements were taken from the accused persons in compliance with all the relevant provisions of ***section 120 of the Evidence Act, 1975 (NRCD 323)*** applicable to the taking of confession statements

which was designed to protect accused persons.

Akamba JSC in the case of ***Ekow Russel v. The Republic [2016] 102 GMJ 124 SC***, stated as follows:

> *"... A confession is an acknowledgment in express words, by the accused in a criminal charge, of the truth of the main fact charged or of some essential part of it.* ***By its nature, such statement if voluntarily given by an accused person himself, offers the most reliable piece of evidence upon which to convict the accused****. It is for this reason that safeguards have been put in place to ensure that what is given as a confession is voluntary and of the accused person's own free will without fear, intimidation, coercion, promises or favours ..."* [**Emphasis mine**]

In the case of ***Commissioner of Police v. Isaac Antwi*** **[1961] GLR 408-412,** it was held that the accused person is not required to prove anything. All that is required of him is to raise a reasonable doubt as to his guilt.

This is further emphasized by ***sections 11(3) and 13(2) of the Evidence Act, 1975 (NRCD 323). Section 11(3)*** provides that:

> *"In a criminal action, the burden of producing evidence, when it is on the accused as to a fact the converse of which is essential to guilt, requires the accused to produce sufficient evidence so that on the totality of the evidence a reasonable mind could have a reasonable doubt as to guilt."*

Section 13(2) provides that:

> *"Except as provided in section 15 (c), in a criminal action, the burden of persuasion, when it is on the accused as to a fact the converse of which is essential to guilt, requires only that the accused raise a reasonable doubt as to guilt."*

For the accused persons to have been called upon to open their defence, it implied that a prima facie case was made by the prosecution against them and all that was required of the accused persons was to raise reasonable doubt in the case of the prosecution to enable their acquittal. Unfortunately, the evidence of the accused persons before this Court could not raise any reasonable doubt as to their guilt. This is because the evidence adduced by the prosecution witnesses was able to establish that the first accused person dishonestly appropriated the complainant's Hyundai Jet vehicle and second accused person dishonestly received the same.

In the case of ***Amartey v. The State*** **[1964] GLR 256-262 @ 260**, Ollennu JSC stated the following principle:

> "*To do justice, the court is under a duty to consider firstly, the version of the prosecution applying it to all the tests and principles governing the credibility and veracity of a witness; and it is only when it is satisfied that the particular prosecution witness is worthy of belief that it should move on to the second stage, i.e. the credibility of the defendant's story; and if having so tested the defence story it should disbelieve it, move on to the third stage, i.e. whether short of believing it, the defence story is reasonably probable*."

The defence of the first accused person is not worthy of belief because any reasonable man in the shoes of the first accused person, would have returned the car to the complainant if it was true that he needed to travel to Kpasah.

The evidence of the prosecution regarding the first accused person has been consistent which he did not dispute being the complainant's car that was given to him to work with; however he dealt with the car dishonestly to deprive the complainant the benefit of his ownership of the said car. The first accused person could not raise any reasonable doubt as to his guilt. Likewise the second accused person as I deem his defence before the court as an afterthought.

From the evidence on record, I find that the defence of the first accused person is not reasonably probable; and I do find that the prosecution has been able to prove that the first accused person is guilty of the offence of stealing. Similarly, I find from the entire evidence on record that the defence of the second accused person before this court is an afterthought, unsustainable, unreasonably probable and not worthy of belief therefore it could not raise any reasonable doubt as to his guilt.

From the conduct of the 2nd accused person, he actually knew or ought to have known that the said vehicle was obtained by means of crime and should have reported it to the police but rather he also took advantage and bought the same at a cheaper price and later disposed of it.

I support my decision with the dictum of Denning J. (as he then was) in the case of ***Miller v. Minister of Pensions*** **[1947] 2 All E.R. 372** where he said:

> *"Proof beyond reasonable doubt does not mean proof beyond the shadow of a doubt. The law would fail to protect the community if it admitted fanciful possibilities to deflect the course of justice. If the evidence is so strong against a man as to leave only a remote possibility in his favour which can be dismissed*

with the sentence 'of course it is possible, but not in the least probable,' the case is proved beyond reasonable doubt, but nothing short of that will suffice."

In the case of ***Osae v. The Republic*** **[1980] GLR 446-455 @ 455,** Taylor J. (as he then was) held that:

"… for the prosecution to succeed in a charge there must be no reasonable doubt that the particular charge has been proved."

Also, Crabbe JSC (as he then was) in the case of ***The State v. Sowah and Essel*** **[1961] GLR 743-747, S.C.** held that

"A judge must be satisfied of the guilt of the crimes alleged against an accused person only on consideration of the whole evidence adduced in the case; and only then can he convict".

I am satisfied with the guilt of the accused persons as I find the prosecution has been able to prove beyond reasonable doubt that the accused persons dishonestly appropriated and received the complainant's Hyundai Jet vehicle respectively.

For the foregoing reasons, I find the first accused person herein guilty of the offence of stealing and the second accused person guilty of dishonestly receiving; and I do hereby convict them accordingly.

Court: Any plea in mitigation before sentence is passed?

First accused: I plead with the court that my child is in the secondary school and I have five children. I am not a thief, it is because of the second accused person that I am here now.

Second accused: What the first accused person is saying is not true.

Court: Are the accused persons known to the police?

Prosecutor: No, I do not have records of them.

Sentencing

In sentencing the accused persons, the court takes into consideration the fact that they are first time offenders, the youthful ages of the accused persons and also considers their plea in mitigation. The Court has also considered the fact that the second accused person has made part payment of GH¢5,000.00 of the amount involved, to the police. In accordance with ***Article 14(6) of the 1992 Constitution***, time spent in custody is considered. However to serve as deterrent to the accused persons and others in the community who have similar criminal tendency and for them to know that the Courts do not countenance such dishonest actions, the Court hereby imposes the following sentences on the accused persons:

Count one: The first accused person is sentenced to serve a term of imprisonment of thirty-six (36) months in hard labour (I.H.L.). In addition the first accused person shall pay a fine of nine hundred (900) penalty units. In default of the fine, the first accused person shall serve a term of imprisonment of twenty-four (24) months in hard labour (I.H.L.)

Count two: The second accused person is sentenced to serve a term of imprisonment of thirty-six (36) months in hard labour (I.H.L.). In addition the second accused person shall pay a fine of nine hundred (900) penalty units. In default of the fine, the second accused person shall serve a term of imprisonment of twenty-four (24) months in hard labour (I.H.L.)

Restitution Order

The amount of GH¢5,000.00 paid by the second accused person to the police is hereby ordered to be released to the complainant herein with immediate effect.

In accordance with ***section 147B of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30)***, and given that the said Hyundai Jet vehicle which was dishonestly appropriated and received by the accused persons respectively, has been dismantled by the second accused person, the accused persons are hereby ordered to pay the remaining amount of GH¢30,000.00 being the value of the said vehicle to the complainant herein.

The complainant shall enforce this order through civil means.

H/H AKOSUA A. ADJEPONG (MRS)

(CIRCUIT COURT JUDGE)