

**IN THE CIRCUIT COURT, CF-GBVC POLICE HEADQUARTERS ON THURSDAY
THE 26TH DAY OF JANUARY, 2023 BEFORE HER HONOUR JUDGE DORA G. A.
INKUMSAH ESHUN**

**SUIT NO:
D18/003/2023**

**THE REPUBLIC
V.
BERNICE KPODO**

Accused Person	- present
Prosecutor	- present; Insp. Berlinda Asante
Investigator	- present; Det. Insp. Edmond Ayim
Accused Counsel	- none

Time: 10:30 am

By Court

Madam, do you have a lawyer?

Accused Person

No please.

**Three Pleas and Charge are Explained and
Read to Accused Person in English**

Count 1

Statement of Offence

Engaging in domestic violence; economic abuse (section 1(b)(iii) and 3(2) of Act 732).

Particulars of Offence

Accused Person, mobile money vendor, between August 2020 – January 2023 at James Town Accra, deprived her boyfriend Emmanuel Adzinu of the use of a

Judgment The Rep v. Bernice
Kpodo

Jan 26, 2023

1

financial resource of GH¢22,500.00 which he gave accused person as capital to operate a mobile money business which he is entitled to by law.

Accused Plea; "*Guilty*"

Prosecutor

[Reads out the Facts].

By Court

Were you encouraged, pressured or advised to plead "*Guilty*"?

Accused Person

No.

By Court

Are you aware that upon pleading "*guilty*" the Court will punish you according to law?

Accused Person

Yes, my lord.

By Court

Have you gotten in trouble with the police before?

Accused Person

No please.

SENTENCING GUIDELINES

1. Offence – misdemeanour, section 3(2) of Act 732
 2. Aggravating factor
-

Judgment The Rep v. Bernice
Kpodo

Jan 26, 2023

2

Position of trust.

Mitigating factor

- Partial voluntary restitution.
- No previous convictions.

Accused Person

Please I don't have anything to say. I don't have anything to say. I have parents and sisters. My mum is 43 and my father is 50 above. My sister is 20 years. I am 26 years. Sometimes I used to send money to my parents and my sister when they ask. My sister is 20 years, my brother is 24 years, the other brother is 18 years and the first brother is 28 years. They stay at Abokobi. My parents stay at Volta Region – Anyakor.

I have been living with the complainant for 11 years. We started the business September 2020.

First, I put GH¢2,000.00 in the business that is all. I accept that the Complainant gave me GH¢22,500.00. I do not have it recorded.

By Court

So how do you know he gave you GH¢22,500.00?

Accused Person

Please I don't have anything to say again.

Complainant

Madam, please Bernice Kpodo is my girlfriend. So when we are living, the living is difficult small. So I told her I want us to open mobile money and she will be managing it so that I can do my job. I was doing security with JSO company.

So the small little amount I have, I used it to open the mobile money container... any time they pay me, I will come and give it to her to use for the business. She used to tell me that the business is moving fast, fast so we need more money.

I said ok, she is aware I'm paid GH¢800.00 and it's not enough for us. So I plead with the company and they allow me to do both day and night so my pay was GH¢1,600.00. When they pay me, then I'll come to the house – I used to come to the house only weekends. So when I take my salary, we'll buy the items we need in the house. After that, the remaining one, we'll add it to the money. That's what we're doing, we're doing.

So, now, this July 2022, where I'm working ... I lost my job. The little money I had in the account, GH¢10,000.00, I went and withdraw it that we should open another momo place so I can manage it. So the person who gave us the place, any time we go there, he will say go and come – so she is aware. We added the money to the momo business.

She said she is caterer so she know how to do catering work. So I said "ok". Luckily, I used to move around etc. I get a 2nd place - a store and container. I came to her etc. and she said its fine. The store was GH¢400.00 a month and the container GH¢200.00. She said all the money is GH¢26,200.00 so we can do a lot with the money. I said I will handle the momo and she will do the catering work. When she sold poloo, people will take it and not pay. So I told her to stop giving it out. I went and made 2 glass show cases. The big one cost GH¢300.00 and the small one cost GH¢250.00. The table too cost GH¢100.00. When I asked her, "*How I do the thing for you, is it moving for you*" she said yes, it's moving fast fast... Someone would come and collect GH¢200.00 and she will make GH¢300.00 – within 3 days it will finish. I said we should decorate the container – and we should go and pay the rent for the container. She said we should wait... and wait... So, I told her to give me GH¢5000.00 to go and rent the place, because

Judgment The Rep v. Bernice
Kpodo

Jan 26, 2023

4

I am not doing anything... she said I should wait and wait... then... she said I should follow her to bank. Then she gave me GH¢4000.00. Then she called one person that he should bring money, the owner is waiting for it. Then she called another person to give her GH¢500 and then a Nigerian... so I said she is hiding the money. Can we go to the police station? When we went, they asked her several times and she said she had no money. The moment she said she cannot give me my money, I feel sad. Her GH¢2000.00 is part of the GH¢22,500.00.

By Court

The purpose of the investment was that you would do the business together and share the profits?

Complainant

Madam please “yes”.

Capital divided between Accused person and complainant – GH¢11,250.00

Less refund to complainant - (GH¢4681.00)

Balance - GH¢6,569.00

Value 547.42 penalty units

VERDICT

The Accused person Bernice Kpodo is convicted on her “*guilty*” plea of the offence of engaging in domestic violence, particularly economic abuse, contrary to sections 1(b)(iii) and 3(2) of the Domestic Violence Act, 2007 (Act 732).

The Accused person is sentenced to pay a fine of 50 penalty units or in default, to serve a sentence of 2 days in custody at the Nsawam Medium Security Female Prison.

Judgment The Rep v. Bernice
Kpodo

Jan 26, 2023

5

The Accused shall pay compensation of 500 penalty units to the complainant – which may be recovered through civil proceedings.

In giving the sentence, the Court has taken into consideration the fact that the circumstances of the case arise from a business partnership between the parties who are in a relationship, with the intention to share the proceeds from the business.

[SGD]
DORA G. A. INKUMSAH ESHUN
CIRCUIT JUDGE