

THE CIRCUIT COURT, CF-GBVC POLICE HEADQUARTERS ON
WEDNESDAY THE 8TH DAY OF NOVEMBER 2023
BEFORE HER HONOUR JUDGE DORA G. A. INKUMSAH ESHUN

SUIT NO: D3/001/2024

THE REPUBLIC

V.

FRANCIS KWEKU ABEL

Accused Person	- present
Prosecutor	- present; C. I. Simon Tekpor
Investigator	- absent
Accused Counsel	- present; Francis Acquah Annan
Complainant	- present

Time: 9:34am

Accused Counsel

My lady, at the last adjourned date, parties were to attend settlement. I have spoken with the lawyer for the complainant. The main issue was on Count 2. Settlement broke down but I'm hoping with the help of the Court, we can settle it.

Respectfully my lady we pray that we wish to change our plea. We have rendered an unqualified apology. My lady, I humbly pray that the accused person's plea to Count 1 and 2 is changed from "*not guilty*" to "*guilty*" my lady.

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

Count 1

Statement of Offence

Threat of Harm: contrary to section 74 of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

Francis Kweku Abel: businessman: aged 54 years: on 20th July 2023 at about 5:30pm at Bubuashie-Atico in the Greater Accra Region and within the jurisdiction of this Court, you threatened one Gladys Ankrah with words to wit: *“I will kill you for me to be jailed”* *“I will kill you”*. *“I am on my way to kill you”*, with intent to put the said Gladys into fear of harm.

Accused’s Plea: *“Guilty”*.

Count 2

Statement of Offence

Engaging in domestic violence to wit: economic abuse: contrary to section 1(b)(iii) and 3(2) of the Domestic Violence Act, 2007 (Act 732).

Particulars of Offence

Francis Kweku Abel: businessman: aged 54 years: during the year 2020 to November 2022 at Gbawe Gongse in the Greater Accra Region and within the jurisdiction of this Court, you deprived Gladys Ankrah and your children from getting access to the four bedroom apartment at Gbawe Gongse and hindering the use of the said property.

Accused’s Plea: *“Guilty”*.

Accused Counsel

My lady may I make a prayer for plea of clemency. My plea is twofold. First, we want to render an unqualified apology to our wife, the complainant. We are extremely sorry for domestic matters to get to this level. In the interest of raising our own children to have a brighter future, we believe this is not where we ought to be and therefore pray that peace and co-existence, the love that they shared together, continue to be with them, so that our children will not come to repeat what we ought to have resolved amicably.

My lady the second fold - we do not share pride to clothe ourselves as being a first time offender as the accused person as a father and the current husband of the complainant. We only humbly pray that as the Court prepares to give its sentence, it may coordinate and temper justice with mercy and give a peppercorn fine rather than a custodian sentence my lady. We are entirely sorry, and we can't stand the sight of we litigating, while we have children among us.

Victim's Impact Statement

Please now I am very scared. Ever since the issue happened, I can't go anywhere. Immediately I close from work, I rush home. When I go home, I have to be indoors till the following day. About the property too, I want my share because he has not been taking care of the children. I bear all the expenses for the children and that also wears me down. Three days ago, I had to take my cloth to the market and go and sell so I would have money to take care of my children. One is in University of Ghana Level 200. I had to pay her fees of GH¢3000 plus the accommodation is GH¢4000. The middle one too, wanted to write ACCA. I had to give her GH¢2000 something to

register for the ACCA so that she can start. The older one is 22 and the younger one is 20.

SENTENCING GUIDELINES

- 1) Threat of harm, misdemeanour (0-3 years imprisonment or fine).
- 2) Domestic violence – (0-500 penalty units or 0-2 years imprisonment).

Mitigating Factors

No previous convictions

Genuine remorse

Aggravating Factors

- vulnerable victim
- two offences
- position of trust

Sentence Range - medium high

Accused's Personal Circumstances

Lived in England for 17 years. Returned 2018 August, left in 2001. Currently perching with a friend. Had no papers, was doing menial jobs. Has only two children with complainant, was trained as a French teacher.

VERDICT

The accused person, Francis Kweku Abel, 54 years old, is convicted on his own plea on Count 1 – threatening to harm his wife Gladys Ankrah, contrary to section 74 of the Criminal and Other Offences Act, 1960 (Act 29) and Count 2 – engaging in domestic violence: 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 420 penalty units or in default, serve a term of one month in prison for both counts. The sentences shall run concurrently.

In sentencing the accused person, the Court has taken into consideration the fact that the complainant and her two female children are vulnerable victims, the accused committed two offences and was in a position of trust as the husband and father of the complainant and her children.

The Court has also considered that the accused has no previous convictions and demonstrated genuine remorse and a desire to settle the issues between the parties.

The accused person shall compensate the complainant in the amount of 420 penalty units which may be recovered in Civil Court.

Final Protection Order

- 1) The accused person shall remain 200 meters away from the complainant, her workplace and residence.
- 2) The accused person shall not hinder the complainant's access to the uncompleted matrimonial home.

- 3) The accused person shall not commit a prohibited act towards the complainant and their children under the Criminal and Other Offences Act, 1960 (Act 29) and the Domestic Violence Act, 2007 (Act 732).

(SGD)
DORA G. A. INKUMSAH ESHUN
CIRCUIT JUDGE