

IN THE TDC DISTRICT COURT HELD AT TEMA ON THURSDAY, THE
17TH DAY OF NOVEMBER, 2022 BEFORE HER HONOUR AKOSUA
ANOKYEWAA ADJEPONG (MRS.), CIRCUIT COURT JUDGE, SITTING AS
AN ADDITIONAL MAGISTRATE

CASE NO.: B3/2/2018

THE REPUBLIC

VRS

PASTOR RICHARD ADDO GYAMFI

ACCUSED PERSON PRESENT

COMPLAINANT ABSENT

INSPECTOR ISSAKA MAHAMA MOHAMMED FOR CHIEF INSPECTOR
CECILIA MENSAH FOR THE REPUBLIC PRESENT

FREEMAN KWAME NDOR FOR MARK ZIWU, ESQ. FOR THE ACCUSED
PERSON PRESENT

JUDGMENT

The accused person herein has been arraigned before this Court charged with the offence of *Exposing Child to Danger* contrary to *Section 71 (b) of the Criminal and Other Offences Act, 1960 (Act 29)*.

The accused person pleaded not guilty after the charge had been read out and explained to him in Twi.

The facts of the case as presented by the prosecution are that, the complainant Pearl Addae is the mother of the victim Kwasi Kyei Addae aged 8 years. That the victim was born with a medical condition called autism and as a result cannot communicate verbally but responds to actions when he hears something. That the complainant engaged a nanny for the victim to be taking care of him when she is away for work. That the nanny informed the victim's grandmother that he once attended the accused person's prayer camp and reasonably believes that the accused can heal the victim spiritually. That the nanny led the victim's grandmother to the said prayer camp for enquiries and the accused told her that they have to bring the victim to the camp for 10 days within which he would be able to heal the victim. That the victim's grandmother persuaded the complainant to allow her take the victim to the prayer camp. That the victim was taken to the prayer camp by his grandmother in the company of the nanny. That the following day the complainant started calling for an update but both mobile phones of her mother and the nanny were off. That after some days the complainant called the victim's grandmother where the grandmother told her that she has not been allowed by the accused to see the victim at the supposed healing room and the complainant asked her to insist on seeing the victim and give her feedback. That the complainant's mother later told her that she has been allowed to see the victim and was surprised to see the victim chained down on both legs. That the victim had been made to fast from 6am to 7pm daily. The complainant demanded the immediate release of the victim after receiving that message but the accused asked her to pay GH¢2,500.00 before the victim will be released to her. That the complainant asked for explanation of the demand but accused became offended and threatened to make her lose her job and paralyze her with his spiritual powers. That on that same day about 9pm the complainant went to nearby police check point and sought the assistance of the night patrol

team to take her to the prayer camp to rescue the victim which was done and the victim was eventually rescued although accused absconded. That the following day a team of police from Prampram district command went to the prayer camp unannounced after the victim's mother lodged a complaint there and accused was arrested. That investigations revealed that the accused person never mentioned to the victim's grandmother and nanny that the victim was going to fast from 6am to 7pm without food each day and was going to be chained as well considering his age and medical condition. That the conduct of the accused exposed the victim to danger which was likely to cause harm to him. After investigation he was charged with the offence.

The prosecution called five witnesses in support of its case.

From the testimony of PW1 who gave her name as Pearl Addae (complainant), the victim Kwasi Kyei Addae is her son. That on 31/10/2017, her mother, Joyce Richlove Ofori Atta and her nanny called Vincent told her about the accused person. That he is very good in healing people so her mother said that she should allow them to send the victim who is autistic to the accused person's prayer camp which she agreed. That she gave them money; they bought some food items to be sent to the prayer camp and she left for work whilst they went to the prayer camp; she did not go with them. That she called her mother after close of work and her phone was off and the nanny's phone was also off. That the following morning her mother called and said they are not allowed to make or receive calls at the prayer camp and that before you get to the church premises, there is a lady at the gate who will seize your phone and put it off so she had to go and beg the lady to let her make a call. That she asked how her boy was fairing and her mother said he is doing well. That she asked who has been

sleeping with her boy in the room and her mother said it is the nanny because ladies are not to mix with the men. That she called her mother that she wanted to send them foodstuff and the mother said they are asked to fast and pray so are not allowed to take food. PW1 further testified that she called her husband to go and pick the boy because they are not allowed to eat. That the accused said he would not allow the boy to go out to her husband unless they pay GH¢2,500.00. That the accused spoke to her and when she said she does not have, he got angry and started cursing her. That she immediately called the Police Patrol Team then they went to the church premises. She continued that on her way to meet the police at Prampram Junction, her mother called to inform her that she was not allowed to see the boy for the number of days they spent at the prayer camp and the boy was also made to go fasting from 6am to 7pm and the boy was also put in chains. PW1 continued that when they got to the prayer camp they saw a congregation including her boy and her mother but the nanny had run away. That her boy's body was smeared with herbal medicine then he had some cuts and bruises all over the body and he could not stand on his feet as well. That the police picked her boy, mother and their luggage and they went to the Dawhenya police station. That they were told at the time that the accused person had travelled to Asutuare. She concluded that the police gave her a Medical Report Form to be taken to the hospital and she also gave her statement to the police.

PW2, Joyce Richlove Ofori Atta testified that she is a mother to PW1. That on 31/10/2017, the nanny who helps to look after her grandchild told her he can help her send her sick grandchild to his pastor for healing. That when they got there they were asked to switch off their phones which they did and their phones were collected from them that they do not use phone at the place. That after church in the evening they were asked to see the pastor (accused) who asked them to buy

medicine to be smeared on the child's body and they did. That the accused further told her that women sleep separately from men so the nanny and the boy will sleep at where the men sleep. That the pastor also said that they cannot bring food from outside as they sell food at the place so they seized the food they took along. That she was prevented to see where the child will be sleeping because the woman who work at the place said when the accused sees her he will worry her. PW2 further testified that after 4 days she asked again to see the child because she could see him from afar that the nanny brings him out to bath him so she pleaded with one of the women to allow her to go and see the boy but she said the accused person will not be happy with her if he sees her going there. That when she went to see the child they had chained him so she started crying and asked why they had chained the boy's legs. That the lady said the accused person asked them to chain him else he can ran away in the night. That the boy was sleeping on the bare floor that was not cemented and when she asked about that she was told that the accused person said the child should sleep on the bare floor because at night he can use the mat to cover himself and die. According to PW2, when she checked the body of the child, there were sores but he did not have any sore on his body when they came. That the lady could not explain the sores on the child's body. That his legs, penis and buttocks were all sores. That the child had grown so lean and the lady explained that the child was also fasting. That she pleaded with the lady to be given her phone to ask for money from home which she reluctantly did. That she called PW1 and told her about everything who said they should come back home but they could not as they gate was locked. That PW1's husband came there the next day and the accused person's daughter warned her not to go close to her in-law. That the accused person called her that PW1 has insulted him so they should pay GH¢2,500.00 before he will release the child because if you go to the hospital you pay

admission fee. That the accused person's wife and daughter later told her to pack their things out and go because the police is around. That they looked for the nanny but could not find him and the accused person's wife also said the accused person had travelled.

PW3 (investigator) No. 36644 D/Sgt Banabas Nifaaniteng testified that on the said day a case of exposing child to danger was referred from Dawhenya police station to him for investigations. That he received an extract occurrence together with an endorsed medical form from the complainant. That the Dawhenya police told him that they pursued to arrest the accused person the very night the case was reported but the accused scaled over the fence wall of the prayer camp and absconded. That he organized the day patrol team accompanied by the complainant to visit the scene and arrest the accused person. That when they got there he saw the accused person sitting at the right side of the building close to a shed, so he greeted him and requested to see the pastor in charge since at that time he did not know the accused to be the one. That the accused person told him the pastor has gone out and will not know when he will return and that he is only a caretaker at the camp. That he disagreed to police request to be taken round the camp because he said he is not the owner of the camp. That in the course of exchanging words with the police the complainant followed into the camp and identified the accused person as the pastor and the owner of the place. That the accused later admitted when he was asked again by the police and led them to the main building for investigations. PW3 continued that when they entered there were about 4 to 5 cubicles at the ground floor where each of the cubicles had wires connected from one cubicle to another. That there were a wood like lock in each of the cubicles which he uses to fix in human legs to make them stable for them to administer his healing medicine. That he went with a

civilian photographer whom he instructed to take pictures of the chains and the locks that the accused person is alleged to have used to detain the victim under his custody. The said pictures were tendered in evidence as exhibit 'A' series. That the accused led the police to the last floor where he lives and showed quantity of mixed substances in bags and told police that is the medicine substance he usually administer to victims in his healing process. A picture of same was tendered in evidence as exhibit 'B'. Pictures of the front view of the accused person's building and shed were also tendered as exhibit 'C' series. The caution and charge statement of the accused person were rejected. PW3 concluded that as the accused person was the pastor and owner of the place who received the victim into his custody, he was responsible for the safety of the victim and was therefore charged with the offence.

PW4 gave his name as Thomas Batsa Abel and testified that he is a photographer who works with the investigator, PW3. He continued that that he was called by PW3 to take pictures of what he was asked to take so what he saw is what he took. He identified the pictures he took as exhibits 'A' to 'C'. That when they got there he saw a shed where sick people were sleeping and also saw a hole in a wall where they had put chain through it. That there was a wood attached to the wall that looked a like a locker and he also saw another chain with a padlock. That he again saw a sack and a plastic bowl with sand in it and calabash and other items where he was asked to take pictures of them. He concluded that he saw the accused person on that day.

PW5 in his testimony gave his name as Jones Asamoah, a senior physician assistant. That he works as a prescriber. That the victim was brought to him for treatment and he saw that he is an autistic child and also he looked very weak.

PW5 further testified that the victim had some abrasions on the wrist and the legs. That he also had some rashes on the pubic area including the penis. That when they came the report was that the child was chained and from his findings, he saw that where the wounds were, it will be from something that was caused by friction or that has been tied for a long time. He continued that the rashes can be from heat and skin which is not properly cared for or from insect bites. He tendered the Medical Report Form as exhibit 'D' without objection.

Prosecution thereafter closed its case.

After the close of prosecution's case, the former lawyer for the accused person filed submission of no case on behalf of the accused person and the Court delivered a ruling on same, to the effect that a prima facie case had been made by the prosecution to warrant the accused person to open his defence. That the evidential burden had shifted to the accused person 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 person had a case to answer and was therefore called upon to enter into his defence, after the options available to him as an accused person were explained to him by the Court.

OPENING OF DEFENCE BY THE ACCUSED PERSON

In opening his defence, the accused person relied on his Witness Statement as his evidence in chief. He stated that he is the founder and leader of Israel Fountain Heavenly Ministry, a prayer camp at Dawhenya, near Tema. That on 30th October 2018, madam Richlove and a young man went to him for consultation that he had a son who is sick and when the sickness comes he behaves like a madman until they give him drugs before they can give him food and bath him. That the woman asked if they can give them rooms so the boy can be brought. The he insisted the woman should come with two men. The accused person continued that the woman also said that when the sickness comes, the boy behaves abnormally, scatters things around him, bites himself, uses sharp stones to cut his body and because of the violent acts locks up himself in a room. That the woman indicated they were rushes on the boy and told her that when they can get them medicine for that. That he told them that before he could allow them to bring him they should come along with two men so that the men and the boy will be in one room because of his condition. That he told her the men will fast but the boy will be fed. That the woman said that the boy does not eat any food apart from sugary food like drinks. That he agreed for them to bring the boy and told them he will be discharged after 14 days when they come. The accused person continued that on Tuesday 31st October 2018, he was told by the ushers the said boy Kwasi Kyei Darkwa was brought to the camp whilst the service was going on in the company of the woman and the young man who was taking care of the boy. That he told them they should give the boy light soup and he will pray for him but they will fast. That he gave them a herbal preparation called 'Nyame ahyiraso' for them to use and also administer some on the boy to take care of the rushes on his body. According to the accused person the boy was

never chained in the camp. That the boy had a rope which he played with when not asleep; and that at all times when not asleep the boy was free and was playing. That after having a conversation with the woman she said the boy is her grandson and not her son. That he eventually spoke to the boy's mother on his grandmother's phone who said she did not ask for her son to be sent to the prayer camp so she should bring her son or she will let the police arrest the pastor. That after the phone call he told the pastors to discharge the woman and not too long after policemen came to the camp that a woman lodged a complaint that her son was there so there were coming for him. According to the accused person when the police came the boy was being prayed for and he was not in chains. That the next day some men went to the camp in mask holding guns and asked for the prophet but the pastors said they cannot show them the prophet if they cannot disclose their identity. That he also came out and told them same but later told them he is the prophet where he was taken to the police station. That at the police station the investigator asked him for 1,000.00 but he gave 500.00 and the investigator told him that he will connive with the complainant to mess him up in court.

The accused person called two witnesses as DW1 and DW2.

DW1 gave her name as Margaret Kwami. That she is an usher at the said prayer camp operated by the accused person. That she was at the prayer camp when the boy was sent there by his grandmother and a nanny. She tendered exhibit '1' as a picture of the room in which the boy and nanny were housed, exhibit '2' being a photograph of some items which she said the grandmother of the boy brought for the boy. That she was the usher directly in charge of the boy and he was never chained to anything in the room or elsewhere.

DW2 gave his name as Pastor Michael Nuer, that he is a junior pastor at the said prayer camp. He told the court that when the boy was brought to the camp he was being carried. That he supervised the ushers to find them food to eat and a place to sleep. That the boy was sleeping in the same room with the nanny who was taking care of him. DW1 further told the court that the boy was never chained nor allowed to fast during the period he was at the camp. He tendered exhibits '3', '4' and '5' being pictures of the premises of the prayer camp.

The accused person thereafter closed his defence.

The legal issue to be determined is whether or not the accused person herein did expose Kwasi Kyei Addae an 8 year old autistic boy to danger by chaining his legs from 6am to 7pm and making him stay without food from 6am to 7pm which was likely to cause harm to the said boy.

The general principle of law in every criminal case as provided under **section 11(2) of the Evidence Act, 1975 (NRCD 323)** is that:

"In a criminal action the burden of producing evidence, when it is on the prosecution as to any fact which is essential to guilt, requires the prosecution to produce sufficient evidence so that on all the evidence a reasonable mind could find the existence of the fact beyond reasonable doubt"

In the case of **Asare v The Republic [1978] GLR 193 – 199**, per Anin J. A. reading the Court of Appeal decision stated that:

"There was no burden on the accused to establish his innocence, rather it was the prosecution that was required to prove the guilt of the accused beyond all reasonable doubt."

Significantly, whereas the prosecution carries that burden to prove the guilt of the accused person beyond reasonable doubt as per *sections 11(2) and 13(1) of the Evidence Act, 1975 (NRCD 323)*, there is no such burden on accused person to prove his innocence. At best he can only raise a doubt in the case of the prosecution. But the doubt must be real and not fanciful.

The relevant section of Act 29 under which the accused person has been charged is as follows:

Section 71(b) of Act 29 on Exposing child to danger provides that:

“A person commits a misdemeanour who unlawfully exposes a physically or mentally handicapped child to danger or abandons a physically or mentally handicapped child in a manner that is likely to cause harm to the child.”

From the above, the elements of exposing child to danger under section 71(b) of Act 29 are as follows:

1. That the child is physically or mentally handicapped.
2. That the accused exposed the child to danger or abandoned the child in such a manner that any harm was likely to be caused to him.
3. That the exposure or abandonment of the child was unlawful.

The accused person pleaded not guilty to the charge; the burden was therefore on the prosecution to prove the above elements from the evidence adduced by the prosecution witnesses beyond reasonable doubt to be able to ground a conviction of the accused person.

It is the unlawfulness of the exposure coupled with the fact that the child was exposed or abandoned in such a manner that any harm is likely to be caused him that constitutes the offence.

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

From the evidence before this court, it is not in doubt that the child in question within the said period of the alleged offence was physically and/or mentally handicapped being an autistic child.

PW1 basically told the court that she agreed to her mother's request to send her autistic child (the victim) to the prayer camp of the accused person for healing. That when she was able to speak to her mother (PW2) on phone, the latter told her that she went to see where the victim had been sleeping and saw that he was in chains and had been made to fast from 6am to 7pm on the instructions of the accused person who is the pastor in charge of the prayer camp. That she reported to the police who helped her to take the victim from the said prayer camp after the accused person insisted she pays GH¢2,500.00 before he will release the victim to her husband who initially made the attempt of taking the child from the prayer camp but was unsuccessful.

PW2 also told the court that when she and the nanny sent the victim to the prayer camp, she was told that she will sleep at where the women sleep whilst the nanny sleeps with the victim since they do not allow men and women to sleep at the same place. That she saw the victim from afar when he was going to

be bathed but after four days she pleaded with one of the workers at the prayer camp to be taken to where the victim sleeps and when she went to see the victim, he was in chains and had grown lean with sores all over his body but he did not have any sore on his body when they went there; and that he was made to sleep on a bare floor which is not cemented. That she called PW1 to inform her about it who in turn went to report to the police after the accused refused to release the victim to PW1's husband and demanded GH¢2,500.00. That when they were leaving the prayer camp they looked for the nanny but could not find him.

PW3 is the investigator essentially told the court in his testimony that he went to the prayer camp after PW1 made the report and inspected the place. That the accused person initially did not tell the truth about the fact that he is the pastor in charge of the said prayer camp and also in the beginning, resisted in taking police around the prayer camp. That they found some items at the place and he tendered pictures of same in evidence as exhibits 'A' series to 'C' series. That the accused was responsible for the safety of the victim having received the victim into his prayer camp.

PW4 came to identify the pictures he was asked to take by PW3 at the prayer camp and further corroborated the testimony of PW3 as to the items that were found at the prayer camp and the fact that he took the said pictures at the prayer camp.

PW5 testified to the effect that when the victim was brought to him for treatment he looked very weak and had some abrasions on his wrist and legs. That the victim also had some rashes on the pubic area including the penis. He told the court that from his findings and where the wounds were it will be from

something that was caused by friction or that has been tied for a long time. And also the rashes can be from heat and skin which is not properly cared for or from insect bites.

Under cross examination, PW1 told the court that she went to the said prayer camp on 8/11/2017. That she made her first call to her mother whilst at the prayer camp on 31/10/2017 which was the day her mother and the nanny took the boy to the prayer camp. She further told the court that she did not go there on 31/10/2017 and it was her mother who sent the boy there after answering that she went to the prayer on 31/10/2017. That the first day she personally went there was on 8/11/2017 but the first day her mother sent the boy to the camp was 31/10/2017. That the boy was looking frail and they had smeared concoctions on him when she saw him at the camp.

The prosecution witnesses especially PW1, PW2 and PW3 have been consistent with the dates the victim was sent to the camp and the day police went to the camp to rescue the victim. PW4 corroborated the testimony of PW3 regarding the items that were found at the said prayer camp especially the chains with padlock. The cross examination of the prosecution witnesses did not discredit their evidence as they maintained their position in their evidence in chief and did not contradict themselves.

Also exhibit 'A' series confirm that the accused had chains in his camp which buttresses the testimony of PW2 when she told the court that she saw that the victim had been chained. Exhibits 'C' series also confirm the nature of the building at the prayer camp as described by PW3 and PW4 being storey building and a shed.

PW2 told the court that she saw the victim in chains at the prayer camp and this was done upon the instructions of the accused person. Exhibit 'D' and the testimony of PW5 confirmed the evidence of PW2 that the child had multiple abrasions and rashes on his body. PW2 also told the court that when they took the child to the prayer camp he did not have any sore on his body and so it is at the camp that he developed those sores and this is due to the nature of treatment that was given to the victim on the instructions of the accused person.

PW2 who is one of the witnesses of the prosecution maintained throughout the trial that she saw the victim in chains.

From the evidence before the court, the accused person operates the said prayer camp and was in charge of same when the victim was taken there where he received them. Being the pastor in charge of the prayer camp, the accused person also gives the rules/instructions to be followed by workers and visitors at the prayer camp. PW2 throughout her evidence to the court especially under cross examination maintained that she saw the victim chained when after four days she asked to see where he sleeps and was taken to see him. PW2 having testified that she saw the victim in chains and grown lean because he was made to fast, with sores all over his body and also sleeping on a bare floor which is not cemented, the accused person had a duty to explain to the court why the victim was treated as such at his prayer camp. However the accused person throughout his defence denied that the said boy was chained when he was at his prayer camp. Meanwhile PW2 maintained that she saw the child in chains. Also the evidence before the court indicates that chains were found on the premises where the victim person was kept. The accused person could not give any

reasonable explanation as to what those chains found at his prayer camp were for, except to deny that the child was chained. From the evidence before this court the accused person also first resisted to take the police round the prayer camp after he falsely told the police that he is not the pastor and owner of the camp but later admitted same as testified by PW3. His explanation was that the police did not show him any search warrant to be on his premises that is why he was not forthcoming as to who he was when they asked of him.

The victim being an autistic child was received at the prayer camp of the accused person where accused was in charge, the latter was therefore bound by law to ensure the safety of the child under his prayer camp especially when he gave instructions to his workers as to how the child should be treated. By unlawfully allowing an autistic child to be chained at his prayer camp and to sleep on a bare floor which is not cemented thereby resulting in the child developing sores all over his body as PW2 testified, which testimony was corroborated by the evidence on record, the accused person actually did expose the said child to danger and had to give a reasonable defence as to why the victim herein was exposed to such danger but his defence was not reasonable in the circumstances.

Basically all that the accused person in his defence told the Court was that the boy was never chained at his prayer camp neither was he made to fast but he could not give any reasonable answer to the chains that were found in the place where the boy was made to sleep after PW2 had told the court that she saw the accused person in chains, except to say the pictures were photo shop.

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 person to have been called upon to open his defence, it implies that a prima facie case was made by the prosecution and it was the duty of the accused person to raise reasonable doubt in the case of the prosecution to enable his acquittal. Unfortunately, the evidence of the accused person before this Court could not raise any reasonable doubt as to his guilt. This is because the evidence adduced by the prosecution witnesses was able to establish that the accused person exposed the said boy to danger by causing him to be chained which PW2 saw it.

From the evidence of the accused person and his witnesses, I find that the accused person does not have a reasonable defence to the charge against him since he could not raise any reasonable doubt as to his guilt; and I do find that the prosecution has been able to prove that the accused person is guilty of the offence for which he has been charged. This is because the case of the

prosecution has been consistent and been able to establish beyond reasonable doubt that the accused person exposed the said child to danger.

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."

For the foregoing reasons, I find the accused person herein, guilty of the offence of exposing child to danger and convict him accordingly.

Court: Any plea in mitigation before sentence is passed?

Counsel for accused: We apologize to the Court having listened to the detailed judgment. Given that the offence is a misdemeanor, we pray for a lenient sentence. The accused person is a man of God with a large family and a large following so a custodial sentence will affect him, his family and his following. The accused person showed his remorsefulness when he wanted the case to be settled but the prosecution refused to settle. We pray that the accused person is sentenced to a fine to serve as a deterrent.

Court: Is the accused person known?

Prosecutor: No.

By Court:

In sentencing the accused person, the Court takes into consideration the fact that he is a first time offender and also considers his plea in mitigation. However the Court has also considered the nature of the offence as well as the victim herein, being a minor. To serve as a deterrent to the accused person and others, the Court hereby imposes the following sentence on the accused person:

The accused person shall serve a prison term of twenty-two (22) months IHL. In addition he shall pay a fine of One Hundred (100) penalty units or in default serve a prison term of two (2) months IHL.

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**H/H AKOSUA A. ADJEPONG
(MRS)
CIRCUIT COURT JUDGE
17TH NOVEMBER 2022**