

IN THE DISTRICT COURT HELD AT AKIM ODA ON 6<sup>TH</sup> DECEMBER 2023 BEFORE HER WORSHIP  
ADELINE OWUSUA ASANTE (MS.) SITTING AS THE DISTRICT MAGISTRATE

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B6/5/23

THE REPUBLIC

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REPUBLIC

VRS

GODFRED ANKOMAH

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JUVENILE OFFENDER

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**JUDGMENT**

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**Background**

The Juvenile herein was arraigned before this Court on 28<sup>th</sup> September 2023 and he had been charged with the offence of Defilement contrary to section 101 of the Criminal Offences Act, 1960 (Act 29). Defilement under section 101 of Act 29 has been defined as “*the natural or unnatural carnal knowledge of any child under sixteen years*”.

The facts in support of the charge are that; the Complainant in the case Faustina Yeboah, is the mother of victim, and victim Christable Obeng aged 14 years are residents of Akim Batabi. The victim is a form (1) student of the Akim Batabi Presby, Junior High School. The Juvenile, Godfred Ankomah, aged 17 years is a form (1) student at St. Francis Senior High School and also resident of Akim Batabi. Both the victim and accused have been in a relationship for about a year now. During the month of June, 2023, the Juvenile managed to lure the victim into his room and had sexual intercourse with her. In the same month, the victim fell sick and the complainant observed that, the victim was pregnant. She then asked the victim who disclosed that, it was the Juvenile who had sexual intercourse with her resulting in the pregnancy.

On 07 July 2023, a report was lodged at the Akim Oda Divisional DOVVSU in respect of this case and a medical form was issued to the victim to attend Akim Oda Government Hospital for treatment and same was returned duly endorsed by Dr. Prince Darko. After investigation

juvenile was charged with the offence stated on the charge sheet and brought before this Court.

The Juvenile pleaded not guilty to the charge after it was read out and explained to him in the Twi language. He however subsequently changed his plea to guilty. Consequently, the Juvenile was convicted on his own plea of guilty. Upon the orders of the Court, social enquiry was conducted by the probation officer and same was submitted in this Court on 14<sup>th</sup> November, 2023.

In sentencing a Juvenile, the Court is guided by section 24(1) of the Juvenile Justice Act , 2003 (Act 653) which provides , amongst others that “ **where a Juvenile is charged with an offence, the Juvenile Court shall order a Social Enquiry Report (SER) to be submitted which shall be taken into account in making an Order**”.

The Probation Officer, Clementina Glover, conducted the investigation and presented same to this Court. The SER revealed the nature of the offence, the character, antecedents and home surroundings of the Juvenile as well as the circumstances that led to the offence being committed.

*The Report revealed that, a semester into gaining admission into the St. Francis Senior High Secondary/Technical School, the juvenile was seriously taken ill for which he had to stay home a whole semester. It was during that period that he over stepped the boundaries with the victim who is known in the community to be his lover and had sex with her from which she is pregnant. The juvenile's father's support to the victim is poor as such juvenile took on the position of a driver's mate wherein his father was giving him a token in return. That the Juvenile is a first time offender and has no previous offence against him from sources obtained from family, the police and the community where he lives and is known be a calm and quiet person who is always at school or home.*

In the social enquiry report, it is recommended that the juvenile be discharged after he has under taking to be of good behavior for a year vide section 29(b) of Act 653 (2003), Order the parents of the juvenile offender to pay the hospital and other bills that the victim had incurred

in relation to the case vide section 29(g) of Act 653 (2003), Order the Parents of the juvenile offender to pay maintenance to the victim in relation to the pregnancy the victim is carrying vide section 29(g) of Act 653 (2003) and that the court makes any order(s) dealing with the case in other lawful manner it considers just in accordance with section 29(i) of Act 653 (2003)

The Recommendations contained in the Social Enquiry Report though persuasive is not binding on this Court. Section 24 (7) brings to the fore the non-binding nature of the social enquiry report and the Court having departed from the Recommendations ought to give written reason.

Section 29 outlines the methods of dealing with Juveniles upon conviction, these methods include sending the offender to a correctional center amongst others. Section 46(8) (c) of Act 653 considers the offence of Defilement to be a serious offence. The period of detention for such serious offences is stipulated under section 46 (1) d as a period not exceeding three (3) years.

From the social enquiry report, the juvenile's father abandoned his family for another woman when the juvenile was six (6) years old and as such the upbringing, control and supervision of his children including the juvenile fell on his mother which resulted in minimum supervision by the parents coupled with peer influence. Clearly, the juvenile did/ does not have maximum parental control. The mother of the juvenile is a drinking spot operator. One wonders how the promise given by the parents to supervise/ monitor juvenile will be fulfilled.

At the center of the Juvenile Justice System is the principle of the best interest of the Juvenile, and this is the primary consideration in dealing with the Juvenile herein. The Juvenile is a first time offender and has also shown remorse. The above mitigating factors notwithstanding, the Court takes cognizance of the serious nature of the offence the juvenile has been charged with, the willingness of the parents to exercise control over juvenile and to monitor his movements especially during vacations although this is fraught with doubt. It is however the court's opinion that it will be in the best interest of the juvenile if given a second opportunity as opposed to sending him to a correctional center where he will equally learn a trade or skill

as he is currently doing in his school. After all, the Juvenile Justice System aims at reformation, education and the proper growth of the juvenile into adulthood and not punishment or deterrence.

**For the reasons above, this court makes the following orders;**

- (1) The juvenile is released on probation for a period of 18 months.**
- (2) The Juvenile is hereby committed to the care of the parents.**
- (3) The parents of the juvenile are to pay the hospital and other ancillary expenses incurred in relation to the pregnancy. For the avoidance of doubt the payments will be premised on receipts produced.**
- (4) The Parents of the juvenile are to maintain the pregnancy until such time as the paternity of the child is determined.**

**(SGD)**

**ADELINE OWUSUA ASANTE (MS.)  
(MAGISTRATE)**