

IN THE CIRCUIT COURT '10' OF GHANA, ACCRA, HELD THIS TUESDAY
THE 19TH DAY OF OCTOBER, 2022 BEFORE HER HONOUR EVELYN E.
ASAMOAH (MRS.)

SUIT _____ NO.
D6/223/2022

THE REPUBLIC

V.

DORCAS TWENE AMANKWA

DETECTIVE CHIEF INSPR. RICHARD AMOAH FOR THE REPUBLIC
MR. PETER MENSAH FOR THE ACCUSED

RULING

- The accused was charged with the offence of defrauding by false pretence contrary to section 131(1) of the Criminal and other Offences Act, 1960 -Act 29. She pleaded not guilty to the charge.

- The facts, presented by the prosecution, are as follows: the complainant is an immigration officer residing at Nsawam. The accused is a trader also residing at Nsawam. Somewhere in the year 2021, the accused presented to the complainant that she works at the Jubilee House and has protocol slots so she can recruit people into the various security agencies in the country. She encouraged the complainant to bring people for the protocol enlistment at a fee ranging from GHC 7000 to GHC 15,000. The complainant sold the idea to his acquaintances and other individuals. Those who bought into the idea paid various sums of

money ranging from GHC 7000 to GHC 15,000 to the complainant which he handed over to the accused for the protocol enlistment.

In total, the accused collected an amount of GHC 402,000 from the complainant to enlist 97 people into the Ghana Immigration Service, Ghana Fire Service, and other security agencies. The accused failed to enlist the people in the various security agencies. The complainant became alarmed and reported the matter to the police for assistance. On 4th May 2022, the accused person was arrested for investigations. In her written investigation caution statement to the police, she admitted having collected an amount of GHC 400,000.00 from the complainant to enlist 49 acquaintances of him into the Ghana Police Service, Ghana Immigration Service, and Ghana Police service. She mentioned one Boadi as her accomplice but has since been unable to lead the Police to the said person.

On 5th May 2022, other victims numbering 147 also reported that the accused person has collected the sum of one million and seventy-nine thousand GHC (1,079,000) from them under the pretext of recruiting them into the various security services but failed.

- In the case of **Kuma V. The Republic (1970) CC 113**, the court held:

“For the prosecution to succeed on a charge of defrauding by false pretence, it must be proved that: (i) there was a mis-statement or personation by the accused which in law amounts to a false pretence, (ii) That the falsity of the pretence was known to the accused, (iii) that the accused thereby obtained the consent of another person to part with or transfer the ownership of anything (iv) that the accused acted with intent to defraud”

Mr. P.K Tumasi in his book titled: Criminal Law in Ghana, at page 334, stated:

“In a charge of defrauding by false pretence the prosecution must prove the following essential ingredient in order to succeed: (a) that the person charged made a false pretence or impersonated another person; (b) that by means of the false pretence or personation he obtained the consent of another person to part with or transfer the ownership of the thing, the subject matter of the charge... A false pretence is a representation of the existence of a state of facts made by a person, either with the knowledge that such representation is false or without the belief that it is true and made with intent to defraud.”

- The first prosecution witness, the complainant, contended that in October 2020, he was introduced to the accused by a friend, who is a civilian employee at the Cantonment police station. According to the complainant, he had the contact details of the accused from his friend. He called the accused who directed him to her house at Doboro. The accused, in her house, told him that she works at the Jubilee House and can assist anyone interested to be recruited into any of the security services. He added that he had already gone through some recruitment processes in the Ghana Police Services and had also applied to the Ghana Immigration Service but he did not tell her about that. He was called the accused to commence training at the Ghana Immigration training school so he called to rather assist some people interested to be enlisted in the security agencies. The complainant asserted that he mobilized 97 people and informed the accused who charged GHC 7000-GHC 15,000 for general recruit and under cadet.
- According to the investigator, the accused led the police to her place of abode. A search conducted which led to the retrieval of recruitment forms of the various

security agencies. Various academic certificates and other documents such as testimonials, birth certificates, passport pictures, identity cards, and result slips of victims were retrieved.

- The documents retrieved from the accused person's room during the search were tendered in evidence. Exhibit B series is titled: Ghana Police Recruitments - Qualified. This evidence indicates that some of the applicants were purportedly enlisted. Exhibit B2 states:

Ghana Police Service-

National Headquarters Accra -Ghana

Qualified

Hello Yeboah Comfort, you have applied for General Duty. Congratulations, you have successfully qualified for the next stage of the recruitment exercise... you will be messaged on your body screening and documentation date soon.

In this case, about 70 documents (Exhibit B series- F series, purportedly issued by the security services, were found in the accused person's room. The accused signed *Exhibit M* - which is a list of documents found in her room. Ghana Immigration Service e- recruitment application forms, Ghana Police Service e- recruitment application forms, and the other security services e- recruitment forms, passport pictures, and certificates were retrieved.

- The accused in her caution statement admitted that she received various sums of money from the complainant and that the particulars of the applicants were given to her. She added that she received GHC 400,000 from the complainant and

has refunded GHC 50,000. So far, there is no evidence on record that the applicants were enlisted in any of the security services- as indicated on the documents retrieved from the accused room- in Exhibit B-F series.

In the case of **Tsatsu Tsikata V. The Republic (2003-2004) 2 SCGLR 294**, the Court held:

“On a submission of no case, the judge’s function was essentially to determine whether there was a genuine case for trial i.e., whether there were any genuine factual issues that could properly be resolved only by a finder of facts because they might reasonably be resolved in favour of either party. The inquiry had to focus on the threshold question whether the evidence presented a sufficient disagreement to require submission for a full trial...”

It is the view of the court that there is a genuine case for trial. A case is made out against the accused persons. He is hereby called upon to open his defence

(SGD)
H/H EVELYN E. ASAMOAH (MRS)
CIRCUIT COURT JUDGE