

IN THE CIRCUIT COURT HELD AT AMASAMAN – ACCRA ON  
THURSDAY THE 13<sup>TH</sup> DAY OF OCTOBER, 2022 BEFORE HER HONOUR  
ENID MARFUL-SAU, CIRCUIT COURT JUDGE

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CASE NO. D7/82/2020

THE REPUBLIC

VRS.

SIMON COFFIE

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*ACCUSED: PRESENT*

*PROSECUTION: PW. C/INSP. MARY AGYAPONG PRESENT*

COUNSEL: ANTHONY COBBINAH ESQ. FOR ACCUSED PERSON  
PRESENT

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## JUDGMENT

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The Accused is charged with one count of Stealing contrary to section 124 of the Criminal Offences Act, 1960 (Act 29).

The facts as presented by prosecution are that the Accused is a fuel station manager in charge of AP Gas and Oil Station at Chantan while the complainant Adzia Bello is the Operations Director of Smart Link Investment, mangers of AP Gas. Prosecution says that according to the AP Gas policy, the Accused person was to deposit daily sales into the company's account at Fidelity Bank. In January, 2019, when the Financial Director checked the bank statement of the Accused, he realized that certain sales made were not deposited in his account. Prosecution says that when the Accused was questioned, he stated that he made credit sales to customers who were yet to

pay however upon further interrogation he admitted the short falls and stated that he used a total sum of GH¢122,739.63 to buy petroleum products to sell to make some money. According to Prosecution, Accused alleged that the supplier who took the monies failed to supply the product. A monitoring Report shows that Accused started withdrawing funds since November, 2018 and was backdating the deposit so that management will not detect. On 2<sup>nd</sup> May, 2019, a complaint was lodged at the Mile 7 Police Station and the accused person was arrested. Based upon these facts he was arraigned before this court.

Prosecution called two witnesses in support of its case. PW1 was Adzia Bello and PW2 was the investigator. By a Ruling dated 29<sup>th</sup> March, 2022, the Accused was called upon to open his defence.

The Accused testified on oath on 5<sup>th</sup> May, 2022. He testified that he was a Supervisor at Smart Link Oil and Gas and one day a transporter came to him and suggested that they have fuel which he could supply to Accused. According to him, the person asked that he pays for half the cost of fuel and then after sales he will pay for the other half. Accused testified that this was somewhere 2018 and then the company had some creditors who came to pay for credit fuel so he held on to the amounts paid and used that to pay for the fuel but it was not supplied as promised. According to him after a week when he did not hear from the person he made a report at the Police headquarters and he was asked to bring a certain amount before they could do any follow-ups for him but he did not have that money so he was unable to go back to the Police.

During cross examination of the Accused by prosecution the following ensued:

“Q: Did you consult your employer before ordering got that fuel

A: No

Q: Can you tell the court the exact month you failed to render sales to your employers bank

A: December 2018

...

Q: I put it to you that you stole your employer's money in a total of GH¢122,739.63 without their consent

A: It is not the right amount

Q: can you tell the court the exact amount that you stole

A: GH¢833,000"

From the defence of Accused, it is apparent that he admits having appropriated monies belonging to the company, what he disputes is the quantum of what he is said to have appropriated dishonestly.

In the case of **STATE v. OTCHERE AND OTHERS [1963] 2 GLR 463** it was held that:

*"A confession made by an accused person of the commission of a crime is sufficient to sustain a conviction without any independent proof of the offence having been committed by the accused."*

Based on the entirety of the evidence before me, I find that aside the admission of the offence by accused, there is sufficient evidence by prosecution's witnesses substantiating the charge against the Accused person

and I am unable to find any doubts created in the case of Prosecution by virtue of the defence. I therefore find the Accused Person guilty, and he is hereby convicted.

**(SGD.)**

**H/H ENID MARFUL-SAU**

**CIRCUIT JUDGE**

**AMASAMAN**