

IN CIRCUIT COURT "1" HELD AT TAKORADI, WESTERN REGION ON
TUESDAY, 7TH MARCH, 2023 BEFORE HIS HONOUR MICHAEL K. AMPADU,
CIRCUIT COURT JUDGE

SUIT NO. C18/116/23

THE REPUBLIC

VS.

RICHARD NREDAH KRAGYEN

SENTENCING

Accused Person: Present

Prosecution: Inspector Robert Yawson – present

The accused was charged on a count of Prohibited Fishing Method contrary to Section 88(1) of the Fisheries Act, 2002, Act 625. The accused person pleaded guilty to the offence.

Section 88(1) of Act 625 provides;

1. A person shall not
 - a. Permit to be used, use or attempt to use any explosive, poison or other noxious substances for the purpose of killing, stunning, disability or catching fish or in any way rendering fish more easily caught; or
 - b. Carry on board or have in his or her possession or control without lawful authority at any place within a two-kilometre radius from any shore or river,

any explosive, poison or other noxious substance in circumstances indicating an intention of using such substance for any of the purposes referred to in paragraph (a).

Section 88(2) of the Act also provides that “Any explosive, poison or other noxious substance found on board a fishing vessel shall be presumed, unless the contrary is proved, to be intended for the purpose referred to in subsection(1)(a)”.

The fact that the accused had the explosive in his possession shows that the accused had the explosive in his possession ready to be used in fishing. This is the fact he admitted and pleaded guilty to. He is therefore convicted on his own plea of guilty in accordance with Section 88(1) and (2) of Act 625.

Section 88(3)(b) of the Act provides that;

“A person who lands, receives or possess fish taken by any means which contravenes subsection (1)(a) and who knows or has reasonable cause to believe that the fish has been so taken, commits an offence and is liable on summary conviction to a fine not less than Twenty-Five (25) penalty units and not more than Five Hundred (500) penalty units”.

The accused person was surely going to use the explosive (dynamite) to kill fish and land same for sale. This could not happen because he was intercepted by the complainants. He is therefore guilty as he has pleaded.

In this sentence, the Court has taken into consideration the rampant nature of the use of illegal methods for fishing at the costal areas of the country. The Court also takes note that the accused is a first offender and also the fact that he has been remanded for a period before this sentence.

He is sentenced to a fine of Two Hundred and Fifty (250) penalty units or in default, eighteen (18) months imprisonment.

SGD

H/H MICHAEL KUDJO AMPADU

CIRCUIT COURT JUDGE