

IN THE CIRCUIT COURT ONE HELD AT ACCRA ON TUESDAY, 8TH
DAY OF MARCH, 2023, BEFORE HER HONOUR AFIA OWUSUAA
APPIAH (MRS), CIRCUIT COURT JUDGE

CC NO.: D2/189/2020

THE REPUBLIC

V

1. KWAME KWAPONG & 3 ORS

ACCUSED PERSONS

JUDGMENT

Accused person stands charged before this court on one count each of conspiracy to commit crime to wit defrauding by false pretence contrary to section 21(1) and 131 of Criminal Offences Act 1960, Act 29 (hereinafter referred to as Act 29) and defrauding by false pretence contrary to section 131 of Act 29. Accused person pleaded not guilty to the offence.

Article 19 (2) (c) of the 1992 Constitution of the Republic of Ghana presumes everyone innocent until the contrary is proved or he/she pleads guilty. In every criminal prosecution, when an accused person denies an offence, prosecution assumes a statutory obligation to prove the guilt of the accused beyond reasonable doubt. **Section 11(2) of the Evidence Act, 1975, NR of Act CD 323** (hereinafter referred to as NRCD 323) with specific reference to criminal cases reads

“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 *Tsikata v The Republic* [2003-2005] 1 GLR 296 at holding one, the court held that “...As provided in section 11(2) and (3) of the *Evidence Decree, 1975 (NRCD 323)* on the part of the prosecution, the

burden of producing evidence required the production of sufficient evidence so that on all the evidence, a reasonable mind could find the existence of facts beyond reasonable doubt, whilst on the part of the accused person, the burden of producing evidence required him to produce sufficient evidence so that on all the evidence a reasonable mind could have a reasonable doubt as to his guilt”.

In the case of LT. KELVIN GODWIN AMEGBOR (GH/2988) v. THE REPUBLIC [13/11/2009] CMNO.1/2007 IN THE COURT OF APPEAL (CRIMINAL DIVISION) ACCRA–GHANA it was stated that:

“There is no doubt the burden of proof is on the prosecution and the standard of proof is proof beyond reasonable doubt and it is the law that, the burden never shifts at any stage in a criminal trial. It must be emphasized that the duty on the prosecution is two fold, prosecution carries both a LEGAL and EVIDENTIAL burden to establish the offence charged beyond a reasonable doubt. Whilst the accused/defence (or the appellant in this case) carries the evidential burden on any issue in respect of which he has made a positive assertion capable of proof. The relevant section provides.

“Section 13(2) Except as provided in section 15 (3) in a criminal action the burden of persuasion, when it is on the accused as to any fact the converse of which is essential to guilt, requires only that the accused raises a reasonable as to guilt.”

Having laid down the burden of the prosecution and the evidential burden of the accused I would proceed to determine whether the prosecution was able to prove the guilt of the accused person in respect of the charges leveled against him.

Facts of the case are that complainant Martin Holm is a business consultant, resident at Dzorwulu a suburb of Accra, whilst A1, Kwame Kwapong is a miner resident at Akuapim Akropong in the Eastern Region. A2 Lawrence Tetteh and A3 Prince (one Nana are now at large. Sometime in the month of April 2020, the complainant met A2 Lawrence Tetteh who claimed to be a miner so he expressed his interest to go into gold business with him. A2 later introduced A1 and A3 to the complainant as gold dealers, during which the complainant requested A1 to bring him 10 kilos of gold to buy. On the 13/04/2020, the accused persons arranged a meeting at Achimota Kokdam Hotel, which was attended by the complainant and his wife, Mrs Kemi Holm a witness in the case. During the said meeting, A1 brought 1 bar of the supposed gold which he showed to the complainant for inspection.

In the morning of 15/04/2020, A1 made an appeal to the complainant to do a part payment of the amount to enable him settle some of his creditors back home who were putting pressure on him for their monies. He said if that money was paid to him, he would have enough time to spend in Accra to complete all the transactions before he goes back to his place. The complainant gave him GH&50,000.00 as part payment for the supposed gold he was about to buy from him. A1 again asked the complainant to send GH&50,000.00 through a momo account number 0245713027 bearing the name Isaac which he did. In all, the complainant parted with various sums of monies totaling GH&59,020.00 to A1. They then set off from the hotel at Achimota Kokdam to Dzorwulu bullion city to test the gold at a gold refinery

and on getting to a certain section of the road at Achimota, Azumah area, complainant together with the accused persons on their way going met two police who stopped the vehicle to be checked and upon getting down from the vehicle, A1 with the supposed gold bar took to his heels leaving A2 and A3 behind who also managed to escape from the complainant. Since then the accused persons refused to pick any calls from the complainant. A case was reported at the Achimota police station for investigations. A1 was arrested from his hideout on the 12/05/2020. During investigations, A1 admitted the offence and pleaded for time to pay.

CONSPIRACY:- TO COMMIT CRIME TO WIT DEFRAUDING BY FALSE PRETENCE CONTRARY TO SECTIONS 23 (1) AND 131(1) OF CRIMINAL OFFENCES ACT 29/60 OF 1960

PARTICULARS OF OFFENCE

1. KWAME KWAPONG, MINER 2. LAWRENCE TETTEH AT LARGE, 3. PRINCE @ NANA AT LARGE: For that you, on the 15 day of April, 2020 at Achimota in the Greater Accra Region and within the jurisdiction of this court, did agree or acted together with common purpose to commit crime to wit; defrauding by false pretences. Section 23(1) of Act 29 **after the Review reads thus:**

“ Where two or more persons agree to act together with a common purpose for or in committing or abetting a crime, whether or without

any previous concert or deliberation, each of them is guilty of conspiracy to commit or abet”.

The case of **REPUBLIC v. ADAM AND OTHERS [2003-2005] 2 GLR 661-756** established that the main ingredients of criminal conspiracy under section 23(1) of Act 29 were (a) there had to be two or more parties to it; (b) the parties had to agree or act together; (c) they had to do so for a common purpose; and (d) the common purpose of their agreeing or acting together had to be to commit a crime...The prosecution had to show that they agreed or acted together with a common purpose to commit a crime, because it was the agreement or collaboration with a common criminal purpose that constituted the conspiracy and not just the collaboration that produced a result that was criminal

The Supreme Court of the land in the recent case of **FAISAL MOHAMMED AKILU v THE REPUBLIC [2016-2017] SCGLR 444 per Yaw Appau JSC** stated the current Ghanaian law on conspiracy as follows:

“From the definition of conspiracy as provided under section 23(1) of Act 29/60, a person could be charged with the offence even if he did not partake in the accomplishment of the said crime, where it is found that prior to the actual committal of the crime, he agreed with another or others with a common purpose for or in committing or abetting that crime. However, where there is evidence that the person did in fact, take part in committing the crime, the particulars of the conspiracy

charge would read; “he acted together with another or others with a common purpose for or in committing or abetting the crime”. This double-edged definition of conspiracy arises from the undeniable fact that it is almost always difficult if not impossible, to prove previous agreement or concert in conspiracy cases. **Conspiracy could therefore be inferred from the mere act of having taken part in the crime where the crime was actually committed. Where the conspiracy charge is hinged on an alleged acting together or in concert, the prosecution is tasked with the duty to prove or establish the role each of the alleged conspirators played in accomplishing the crime”**. (Emphasis mine).

Prosecution’s case is that A1 herein and two others at large acted together and made a false representation to PW1 inducing him to part with cash the sum of GHC50,000. According to the evidence of PW1, Martin Holmes, a businessman, A2, a neighbor in April 2020 introduced A1 and A3 to him as gold dealers who could supply him with quality gold. PW1 testified further that in the company of his wife, that accused persons after showing him one gold bar with the assurance that the rest are kept in a box demanded for a deposit to settle some outstanding debts regarding fuel and excavators and workers. He therefore gave GHc50,000 to A1 who handed same over to a guy he A1 had introduced to him as his brother from the village and added GHC400 as transportation money to this said brother of A1. After sometime, on A1’s request he PW1 paid an amount of GHC5,000 into an MTN mobile money number 0245713027 bearing the name Isaac. According to PW1, they

were to meet the buyer at a gold refinery at Dzorwulu at 10.00am but A1 insisted that they wait for A3 who came 3hours later in a waiting taxi. A1 refused to sit in PW1 car but joined A3 in the taxi A3 had arrived in. Few minutes drive from the hotel towards the refinery, they were stopped by two policemen who insisted on inspecting the vehicles. A1 got down from the taxi and took to his heels with the sack containing the purported gold. with A3 sitting in the taxi cab, he was assured A1 would surface with the gold later. However after several hours search of A1 proved futile, he called the hotel premises where they had met earlier only to be told that a man in an unregistered private car had come for A1's belongings. Calls to the number he transferred th GHC5,000 on A1's account was answered with the recipient assuring him that A1 had informed him of the payment of GHc50,000 and all other expenses he had incurred.

Pw2, wife of PW1 corroborated PW1's evidence.

Defrauding is defined under **section 132 of Act 29** as follows: *"A person defrauds by false pretences if, by means of a false pretence, or by personation that person obtains the consent of another person to part with or transfer the ownership of a thing."*

Section 133(1) of Act 29 defines what constitute false pretence. It provides that:

"133. (1) 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 an intent to defraud.

for the purpose of this section:

(2)(b) the expression 'a representation of the existence of a state of facts' includes a representation as to the non-existence of any thing or condition of things, and a representation of any right, liability, authority, ability, dignity or ground of credit or confidence as resulting from any alleged past facts or state of facts, but does not include a mere representation of any intention or state of mind in the persons making the representation, nor any mere representation or promise that anything will happen or be done, or is likely to happen or be done."

P.K Twumasi in his book Criminal Law in Ghana at page 334 stated that:

"The onus always rests with the prosecution to prove that the accused person made a representation of the existence of a state of facts. In other words, the accused must be proved to have made an allegation that a certain state of affairs existed as a fact"

What amounts to false pretence is further defined under **section 133 (1)** of Act 29 as " a representation of the existence of a state of facts made by a person, with the knowledge that the representation is false or without the belief that it is true, and made with an intent to defraud.

In the case of **Republic vr Selormey [2001-2002] 2 GLR 424** the ingredients of the offence of defrauding by false pretence were reiterated thus: *"Therefore for the prosecution to succeed in proving the charges of fraud by false pretences against the accused person, the law requires that the prosecution must prove by evidence, the following:*

(a) *That the accused person made a representation either by written or spoken words or any other means whatsoever.*

(b) *That the said representation was in regard to the existence of a state of facts.*

(c) *That the said representation was false or made without the belief that it was true.*

(d) *That by that false representation the accused caused another to part with a thing..."*

COUNT TWO

STATEMENT OF OFFENCE

DEFRAUDING BY FALSE PRETENCES:- CONT. TO SECTION 131(1) OF CRIMINAL OFFENCES ACT 29/60 OF 1960

PARTICULARS OF OFFENCE

1. KWAME KWAPONG, MINER 2. LAWRENCE TETTEH AT LARGE, 3.PRINCE @ NANA AT LARGE: For that you, on the 15th day of April, 2020 at Achimota in the Greater Accra Region and within the jurisdiction of this court, with intent to defraud did obtain consent of one martin holm to part with cash GH 59 ,020.00 by means of certain false pretences to wit by false pretending that if the said amount is given to you, you could supply him 10 kilos of gold. Upon such false presentation you succeeded in obtaining the amount from the said martin holm which statement you well knew at the time of making it to be false In determining the essential ingredients of the offence, I shall consider the first and second ingredients together .i.e *that the accused person made a representation either by written or spoken words or any other means whatsoever and that the said representation was in regard to the existence of a state of facts.*

From prosecution's evidence, accused person represented to Pw1, and 2 others that he is the CEO of a company called ATCo Bullmate Technologies which is into oil and Gas Company and also recruit people and send them to Europe and other parts of the world. Accused admits that he charged Pw1

and 3 others GH15,000 to secure them with Schengen Visa. The evidence on record therefore establishes that accused made a representation that he could secure Pw1, and 3 others Schengen visa.

In respect of the third ingredient of the offence of defrauding, prosecution is to establish that the **said representation was false or made without belief that it was true.** In the case of **BLAY VRS THE REPUBLIC [1968] GLR 1040** Archer J (as he then was) in holding 5 stated *“to defraud was to deprive by deceit or to induce a cause of action by deceit.”* Its been held in the case of **ASANTE & ORS V THE STATE [1968] GLR 804**, that for the prosecution to succeed on a charge of fraud by false pretences under Act 29,

ss. 132 and 133 it was not enough for the prosecution to prove that the representation was false, they should go further to prove that the consent to part with ownership was in fact obtained by false pretence. **Section 133(1) of Act 29** defines false pretence as follows *“A false pretence is a **representation of the existence of a state of facts made by a person, with the knowledge that the representation is false or without the belief that it is true, and made with an intent to defraud.**”*

The false representation or a statement made without believe that is true must therefore be with an intent to deceive.

Although the initial agreement was that accused would secure a Schengen Visa for PW1 and the other applicants and although accused later changed it to Bulgaria an EU country but not a Schengen Country, PW1 and the other applicants per the evidence on record agreed to the application for Bulgarian Visa. PW3 testified that investigations extended to Registrar General revealed that ATCO BULLmates Technologies were not into travel and tour. A perusal of exhibit C, the Company profile of ATCO Bullmates Technologies reveal that the Company is not into travel and tour or recruitment of people to work in Europe or abroad. Accused tendered in evidence exhibit 12, certificate of incorporation of a company Alywn Trading & services Limited originally

called ALWYN Trading Travel and Tours Services Limited under cross-examination when he was challenged about rendering a travel and tour services. No company profile was attached to exhibit 12. The business mandate of Alwyn Trading and Services Limited is therefore unknown to the court and same cannot be said to be a travel and tour services company. A perusal of exhibits 1 and 2 series tendered by accused as proof of Singapore Visas and interview for the applicants is not only false but calculated to mislead the court. Exhibit 1 series are registration of the applicants to partake in the Food Fair and not Singapore Visas. Exhibit 2 series are also Visitors Guide brochure for the said program and not interview appointments dates. Exhibit 3 series are Bulgarian Visa application forms endorsed and purported signed by the applicants Gloria Osei Bonsu, Michael Oppong and Vida Owusu Asare together with their bio-data page of their passports. The details of inviting company on exhibit 4 series is Remix Bulgaria Ltd and Lubo Ganey as the contact person. Exhibit 5 shows email correspondence between Accused and one Lubo Ganey of Remix Bulgaria Ltd. A study of exhibit 5 series reveals that accused was in communication with the said Lubo for his assistance to get Bulgaria visa between the period of May 2018 and Sept 2018. This is the period Pw1 had engaged the services of accused to secure them with the Schengen Visa. Again exhibits 7 and 8 discloses that indeed accused paid travel insurance policy for Gloria Osei and Michael Oppong from Nasia insurance limited to cover a trip to Bulgaria. Exhibit 11 series is passenger tickets of GUO Transport West Africa dated 7/5/2018, 19/5/2018, 30/5/2018 and 28/7/2018 with the inscription Return Ticket written on same in proof of his trips to Nigeria to secure the Bulgarian Visa. These ticket bear the name of accused and the dates fall within the period accused purports he was applying for the Bulgarian Visa for PW 1 and 3 others at the Bulgarian Embassy in Nigeria. PW3 under cross-examination confirmed accused persons contention that there is no Bulgarian Embassy in Accra although

same was challenged by the prosecutor during the cross-examination of accused.

An accused is not obliged to prove his innocence. All that an accused is required to do when invited to open his defence is to raise reasonable doubt regarding his guilt. The Supreme Court in the case of MALLAM ALI YUSIF v THE REPUBLIC [2003-2004] SCGLR 174 held that:

“the burden of producing evidence and the burden of persuasion are the components of ‘the burden of proof.’ Thus, although an accused person is not required to prove his innocence, during the course of his trial, he may run a risk of non-production of evidence and/or non-persuasion to the required degree of belief, particularly when he is called upon to mount a defence”.

Although accused person’s representation to PW1 and three others that he could secure them Schengen Visa and later Bulgarian Visa turned out not to be true, same cannot be said to have been made with the intention to defraud. The totality of Exhibits 4 series, 5 series, 7 and 8 and 11 tendered by accused reasonable establish that he indeed started processing the Bulgarian Visa for Gloria Osei, Michael Oppong and Vida Asare although same was not be concluded. Prosecution witnesses admit that the applicants failed to pay the UD\$5,000 refundable deposit demanded according to accused by the Bulgarian embassy for the issuance of the Bulgarian visa. PW3 also failed to verify from the Bulgarian embassy the truth or otherwise of accused persons contention that US\$5,000 refundable deposit had to be made before the issuance of the Visa. It is therefore reasonable probable that but for the failure of PW1 and other applicants to pay the \$5,000 refundable deposit the visa could have been issued to them. The defence of accused is reasonable and therefore raises reasonable doubt as to his guilt in respect of the charge of defrauding by false pretence.

Count Two- Defrauding by false pretence contrary to section 131(1) of Criminal Offences Act, 1960, Act 29.

PARTICULARS OF OFFENCE

SETH ALWYN ATTOH: BUSINESSMAN: : For that you in the month of March, 2018 at Accra in the Greater Accra Circuit and within the jurisdiction of this court with intent to defraud did obtain the consent of one King David Kojo Boakye to part with cash the sum of Gh¢ 8,000 by means of certain false pretences to wit by falsely pretending that if the said amount is given to you, you could secure him a Bulgarian visa and upon such false representation you succeeded in obtaining the said amount from the said King David Kojo Boakye which statement you well knew at the time of making it to be false.

King David Kojo (PW2's) testimony in respect of meeting accused and the representations made by accused was the same as the evidence of PW1. He testified further that accused demanded they all make an initial deposit of GHC5000. He paid US\$1000 and GHC1,500 to accused after which accused went to him with a company identity card and informed him he would use the said card to secure their Schengen Visa. PW2 stated that he all along told PW1 that Accused could not secure the visa so they should demand a refund of their monies but PW1 told him Accused had done it before for a relative of his so they should try him. Later accused informed him he was travelling to Nigeria to follow up on the process since its easier and faster acquiring same from Nigeria. A month later, accused demanded GHC2,000 from each of them and they paid the money. He also heard nothing again until two months later when accused came from Nigeria claiming information he had received from the Bulgarian embassy was that they were to deposit US\$50000 as gurantee fee before the issuance of the visa. After the monies had been paid, they heard nothing from accused so he decided to put pressure on PW1 for refund of his money and later reported the matter to the police.

Accused challenged the testimony of PW2 and denied making any representation to PW2 or collecting any monies from PW2. PW2 admitted same under cross-examination. Below are excerpts from the cross-examination in relation to this issue:

Q: I put it to you that you were not one of the people who sought the assistance of accused person for a visa?

A: I am part of them

Q: You only introduced other people to accused but you personally was not going to travel?

A: That is true but those were my relatives.

Q: I put it to you that you were not expecting a visa from accused?

A: Yes but it was through me my two relatives met accused

Q: You also got to know accused through PW1?

A: Yes

Q: PW1 told you accused had helped him secure a visa for Singapore?

A: No

Q: PW1 also told you accused had assisted a relative of his obtain a visa before?

A: Yes he did

Q: So accused has not collected any money from you personally to help you secure a visa I put it to you?

A: Yes but all monies that came from me were channeled through PW1

Q: At paragraph 14 of our witness statement you stated that accused told you Bulgaria embassy was demanding for a guarantee of 5000 euros before they would issue you with the visa not so?

A: No we did not discuss any Bulgarian visa at all

Q: You see accused has no business with you at all concerning any visa?

A: He has because he would not have invited us to meet him at Westhills mall with his business plans and all that. Accused comes to my house and he knows he comes to ask for money from me.

Q: You have already admitted that accused was not assisting you in any way to secure a visa. Is that not so?

A: Yes I did but I was doing this visa for two of my relatives

Q: I also put it to you that what you first told the court that accused comes to our house to collect money is absolutely not true?

A: It is true. He comes together with his brother Mr. Nartey but I'd always channel the money through PW1.

Q: So you will agree with me that apart from monies PW1 gave to accused you personally has not given any money to him?

A: Yes. I channeled every money to him through PW1 because he introduced accused to me.

Q: PW1 acted as your agent who was dealing with accused person not so?

A: I may say yes because he introduced accused to me as someone who can secure Schengen visa for my relatives

Q: So all the communication between you and accused was through PW1?

A: That is so

Q: I put it to you that the accused person was to organize or assist your relatives secure a Bulgarian visa.

A: No that was not what PW1 communicated to me

Q: I put it to you that accused never promised a Schengen visa because at the time he was organizing a trip to Bulgaria?

A: No

Q: I put it to you that when you say at paragraph 7 that he could secure us visa and add us to a group of trainers travelling to Europe you were not part of this us?

A: No I was not

Q: Your relatives wanted to go to Europe correct?

A: That is so

Q: And they needed a visa to get out of Ghana not so?

A: Yes

Q: I put it to you that accused does not work in any embassy and could not on his own secure a visa for them?

A: I don't know

Q: Have you heard of a travel agent before?

A: Yes

Q: You know what they do?

A: I don't know what they do

Q: I put it to you that accused person assist people obtain visas by taking them through visa application processes.

A: He did not make us aware of this.

Q: As part of the process accused told PW1 that he needed their bank statement income tax clearance to add to their visa forms to apply for the visas?

A: No. this was not the initial agreement we had. This was an afterthought.

Q: I put it to you that accused obtained all the forms required from Nigeria?

A: No. He did not show any form to us.

Q: Is one of your relatives called Owusu Asare

A: Yes

Q: I put it to you that because you were not one of the applicants you didn't fill a form but Owusu Asare did.

A: Not that I am aware of

Q: Who is your other relative you brought to PW1?

A: Micheal Oppong

Q: I put it to you that Michael Oppong also completed the visa application procured by accused from Bulgarian embassy in Nigeria.

A: Not that I am aware of

Q: I further put it to you that your two relatives need travel insurance as part of the visa application needs to procure the visa.

A: No that was not the initial agreement

Q: I also put it to you that your said relatives need a visit in Bulgaria to invite them and accused did so.

A: No. all these are afterthought.

Q: I put it to you that as part of visa process the embassy demanded residence details, work place details and accused secured accommodation for then?

A: No

Q: You see I put it to you that you don't know anything of the agreement PW1 and accused?

A: I know. Any discussion between PW1 and accused, he later on informed me about it.

From this excepts, Accused person herein never made any representation to PW2 that if he parts with the sum of GHC he could secure him Schengen Visa as claimed by prosecution in count two of the charge statement. PW2 at all time dealt with Accused through PW1. PW2 admits that any money he paid to accused was made on behalf of his two relatives through PW1. Pw1 in his evidence has stated that he and three others had made all the said payments collectively to accused. the evidence on record therefore fails to establish that accused person herein made any representation at all to PW2 as alleged per count two. Count two of the charge sheet accordingly is not proved beyond reasonable doubt at the close of the case.

Count 3- defrauding by false pretence contrary to section 131(1) of Criminal Offences Act, 1960, Act 29.

PARTICULARS OF OFFENCE

SETH ALWYN ATTOH: BUSINESSMAN: : For that you in the month of March, 2018 at Accra in the Greater Accra Circuit and within the jurisdiction of this court with intent to defraud did obtain the consent of one Gloria Osei to part with cash the sum of Gh¢ 5,000 by means of certain false pretences to wit by falsely pretending that if the said amount is given to you, you could secure him a Bulgarian visa and upon such false

representation you succeeded in obtaining the said amount from the said Gloria Osei which statement you well knew at the time of making it to be false.

In respect of count three, alleges that Accused with intend to defraud did obtain the consent of one Gloria Osei to part with cash the sum of GHC5,000 by means of certain false pretences that if the money was given to him, he could secure her Bulgarian visa and upon such false representation succeeded in obtaining the said amount. Gloria Osei was not called to testify in the matter neither was any evidence whatsoever led by the prosecution to the effect that accused made such a representation to this Gloria and that this Gloria even made payment of the said GHC5,000.00. At the close of prosecution's case as well as the entire case, no evidence had been led to establish the said representation accused made to this said Gloria Osei or the payment of monies by this said Gloria Osei to accused obtained under any false pretence. Accordingly, count three of the charge sheet remains unproven and same fails in its totality.

Conclusion

The failure of Accused to conclude the agreement he had with PW1 and 3 others and or discharge same in itself does not amount to a criminal offence of intending to defraud them under false pretences but at best a breach of contract which is a civil case.

The defence of accused therefore has raised doubt in the mind of the court as to his guilt in respect of count one (1) of the charge sheet. Count two and three (3) of the charge sheet remained unproven at the close of prosecution's case and at the end of the entire case. From the totality of evidence before the court, prosecution fails to establish the guilt of accused in respect of all three counts of defrauding by false pretences. The court therefore finds Accused person not guilty of all three counts and accordingly acquitted and discharged on all three counts forthwith.

ACCUSED PRESENT

C/INSP SOPHIA ASIEDU ANTI FOR PROSECUTION PRESENT

J.K LARKAI FOR ACCUSED ABSENT

**H/H AFIA OWUSUAA APPIAH (MRS)
(CIRCUIT COURT 1 JUDGE)**