

**BEFORE HER HONOUR NANA ADWOA SERWAA DUA-ADONTENG, JUDGE SITTING
AT AKROPONG CIRCUIT COURT AT 4TH OCTOBER, 2023.**

CASE NO: D4/02/2024

THE REPUBLIC

VERSUS

JACKSON CAANY

FINAL JUDGEMENT

Prosecution Represented by: Chief Inspector Francis Opoku, Esq.

Accused Person is self-represented.

CHARGE

Count one: The Accused Person is charged with the offense of stealing; contrary to section 124(1) of the Criminal Offence Act 1960 (Act 29), that he on 8th of August, 2023, at Atwima Ntesere in the Ashanti circuit and within the jurisdiction of this court, you misappropriated electric welding machine value at Ghs5,000, the property of China Geo Corporation.

PLEA

The court explained the charge to the accused person in English and the same was interpreted to him in Twi, his language of choice. The court prior to taking the accused's plea explained the various pleas available to him and the consequence of taking each plea. The accused person pleaded **Guilty Simpliciter**.

FACTS

The complainants are security men of Solid Rock Security Services based in Adum- Kumasi. Accused Persons Jackson Canny is an electric welder resident at Atwima Tabere. The complainants are providing security guards within the yard of the China Geo Corporation quarry

site at Atwima Ntensere. The yard houses heavy industrial machines. On 9th of August, 2023 at 8:00am complainant received a report from some workers at the crushing side of the quarry, about an industrial welding machine belonging to the cooperation valued Ghs5,000.00 which was left the previous night after close of work being stolen at the site. On the same day a case was reported to the police. The complainant then mounted a search and followed tyre marks of the stolen welding machine to a point outside the yard of the quarry through intelligence, Jackson Canny was arrested. Investigation reveals that Jackson Canny is an electric welder employed by the China Geo Cooperation and works in the quarry site. During his duty tour, Accused Jackson Canny alternated from the Asphaltting production site to the crashing production site till his duty tour was over. On the 8th August 2023 Accused worked at the Asphaltting production site the whole day. In the investigation caution statement of Accused, he purported that after close of work on 8th August 2023 while walking in the yard, he cited the welding machine outside the yard concealed in a brush and pushed the same to a different location 100 meters away from the crashing production site where the machine was originally placed. Accused further stated that he failed to report the incident to the management and that he called on Yahaya and informed him about the machine and where he had hidden the same. Further investigations revealed that the said Yahaya contracted one Abdul Kaadiri Tanko, a tricycle motor rider to convey the same to Akwatia line. The said Abdul Kadiri Tanko led police to Akwatia line where the machine was retrieved and retained. The said accomplice Yahaya could not be found and identified for his arrest. Strenuous effort is being made to arrest him for prosecution. Accused Jackson Canny was charged with the offence stated on the charge sheet and now before the honorable court.

CONVICTION ON OWN PLEA COP)

Having pleaded Guilty Simpliciter, the Accused person is convicted on His Own Plea for stealing.

PRIOR CONVICTION

No evidence was presented to the court that the Accused Person has any prior criminal conviction.

PLEA OF MITIGATION

The court inquired of the Accused Person to allocute for the offence he had been found guilty and convicted. *'I plead for mercy. It was not my intention to do what I did. I was owing my landlady Ghs1,700.00 rent and my family was on the verge of ejection.'*

PRE-SENTENCING PROCEDURE

Time spent in custody: Accused Person had been on remand since 11th August 2023.

Value of property stolen: Ghs5,000. The item was received and it is in the custody of the police to be released to its owner.

The court inquired from the prosecutor if the property received was in good condition. Prosecutor told the court that it was.

The court inquired from the Accused Person if he is married.

Accused Person told the court that he was not married.

The court inquired from the Accused Person if he had children.

Accused Person told the court that yes, he had two children aged 4 years and 8 years

The court inquired from the Accused Person about his job.

Accused Person told the court that he was an electric and gas welder.

The court inquired from the Accused Person if his family was in court.

Accused Person said yes, his mother and younger brother were in court.

Allocation: Accused Person do you have anything to say to the court?

Wages: How much did you earn monthly.

My salary was Ghc1000.I was taking care of my children, their mother and my mother.

The court inquired from the Accused Person about the work of his wife?

Accused Person told the court that she is currently not working.

SENTENCE

Having considered all factors above, particularly the time spent by Accused in lawful custody, Accused person is sentenced to 24 months in prison, and the electric welder machine is to be released to its owner China Geo Corporation.

**H/H. NANA ADWOA SERWAA DUA-ADONTENG
(CIRCUIT COURT JUDGE)**