

**BEFORE HER HONOUR NANA ADWOA SERWAA DUA-ADONTENG JUDGE SITTING
AT AKROPONG CIRCUIT COURT AT 14TH SEPTEMBER, 2023.**

COURT CASE NO: D4/03/2024

THE REPUBLIC

VERSUS

KWAKU BLESSING @ STIGA

FINAL JUDGEMENT

Prosecution Represented by: Chief Inspector Ruth Gborson.

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 the 21/08/2023, at Atwima Tabere in the Ashanti Circuit and within the jurisdiction of this court, you dishonestly appropriated Tecno Spark 10C mobile value at GHC 1550.00, the property of one Hamidu Haruna.

Count two: 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 the 21/08/2023, at Atwima Tabere in the Ashanti Circuit and within the jurisdiction of this court, you dishonestly appropriated Samsung Galaxy mobile phone value at GHC 1550.00, the property of one Salamatu Abdulai.

PLEA

Accused person pleaded Guilty with explanation on count one.

Accused person pleaded Guilty simpliciter on count two.

FACTS

Complainants in this case Hamidu Haruna and his younger sister Salamatu Abdulai, all living in the same house at Atwima Tabere. Accused person Kwaku Blessing also known at Stiga is a trader and resides at Kokoben New site. Complainants and accused person are known to each other very well. On 21/08/23 about 3:00am, 1st complainant was awakened by some unusual noise behind his window. He suddenly woke up and spotted the accused person behind his window pulling a long stick from his room through the window. 1st complainant shouted the accused person and before he came out from his room the accused person had bolted. Complainant's repeated shout at the accused person woke up the second complainant who shares a room next to the 1st complainant. 1st complainant went back into his room and detected missing of his Tecno Spark 10C mobile phone value at GHC1550.00 which he placed on charge before in his room close to his window before retiring to bed. Upon further inspection, complainants also detected that part of the net at the back of his window had been cut. At the same period, 2nd complainant also detected missing of her Samsung Galaxy mobile phone value at GHC 1600.00 from her room. 2nd complainant again found out that, the net at the back of her window had also been cut in a similar fashion as that of the 1st complainant. Complainants went to the back of their respective windows and found the following items, a cutlass, a pair of scissors, adhesive substance and a pair of slippers suspected to be belonging to the accused person. Same day about 7:30pm, 1st complainant with the assistance of others, arrested the accused person. Accused person named Kwaku Boateng and his accomplice and the one in possession of the two named phones. Accused person led the first complainant and others to Kwaku Boateng's hideout, but the latter was not present. Accused person was handed over to the police Abrafo Kokoben and was rearrested and detained for investigation. Accused person in his cautioned statement denied the offence and indicated that, Kwaku Boateng only engaged his service to unlock the said two phones after which he gave them back to Kwaku Boateng. Strenuous efforts are underway to get Kwaku Boateng arrested. Accused Person is charged and put before the honorable court.

EXPLANATION

Accused Person was at home when Kwaku Boateng called him to come to Tabere. Accused Person is a phone repairer so met with him at Tabere spot. Kwaku Boateng gave the Accused Person two phones (Samsung and tecno) to unlock for him but accused person noticed he couldn't unlock the phones so he restarted the phones . accused person returned them to Kwaku Boateng and attempted to board a vehicle back home. One guy called Lalasman approached him that his phone is missing. Accused Person told him he doesn't know anything about the missing phone because he is from Kokoben and he came to repair Kwaku Boateng's phone. When Kwaku Boateng gave the Accused Person the phone, the Samsung, Lalasman's picture was on it so Accused Person inquired from Kwaku Boateng while Lalasman's picture was on the phone but Kwaku Boateng gave Accused Person no response. Lalasman arrested the Accused Person and took the Accused to the Police Station.

CONVICTION OF OWN PLEA COP)

Hearing regard to the charge leaved against the accused person, the fact that he pleaded guilty simpliciter once particularly that he seemed to have been melted with justice by those who arrested him and sent him to the police station. Accused cannot be made to suffer harshly twice for the same offence.

PRIOR CONVICTION

The Accused Person has no prior conviction.

PLEA OF MITIGATION

The court inquired if the accused person has anything to say before he is served.

Accused person kneels down in the dock now pleads that he should be forgiven.

The court directs him to sit up from his knees.

The court inquire from the Accused Person why he has bandage on his hand(left wrist) and injuries.

The accused told the court that when Lalasman arrested him, Lalasman slashed the Accused Person's wrist with a knife and asked the Accused Person where his phone was.

PRE- SENTENCING PROCEDURE

The court inquired from the accused person if he knew Lalasman before that day?

The Accused Person told the court that Yes he knew him to be residing at Tabere.

The court inquired from Accused Person if he has Lalasman's number?

Accused Person said he did not.

The court inquired from Accused Person where Kwaku Boateng was when Lalasman came to the Accused Person?

Accused Person told the court that Kwaku Boateng was standing at Tabere station near a container.

The court inquired from Accused Person where they were standing then?

Accused Person told the court that they were standing under a tree at Tabere station .

The court inquired from Accused Person if Accused Person took Lalasman to Kwaku Boateng?

Accused Person told the court that yes he took Lalasman to Kwaku Boateng, Kwaku Boateng fled the scene.

By court: having heard the explanation of Accused Person in respect of count 1 , Accused Person denies the charge against him and therefore a plea of Not Guilty is.....for him.

In respect to the count 2, having pleaded Guilty Simpliciter, Accused Person is convicted on his own plea.

The court inquire from the Accused Person why he has bandage on his hand (left wrist) and injuries.

The accused told the court that when Lalasman arrested him, Lalasman slashed the Accused Person's wrist with a knife and asked the Accused Person where his phone was.

The court inquired from prosecutor if the Accused Person was harmed at the time he was arrested.

Prosecutor told the court that Accused Person was brought to the Police station with a fresh cut on his wrist and was sent to the hospital that same day. When Prosecutor inquired from him.

Accused Person blames the complainant but the complainant said there were many people and he was struggling with them and got hurt in the process.

The court inquired from prosecution if they recovered the weapon used to harm the Accused Person.

Prosecution told the court that yes, they did and it was a short cutlass, prosecution found that it was the same cutlass found behind complainant window when Accused Person identified as his own.

The court inquired if there was any charge with causing Accused Person harm.

Prosecution told the court no because they didn't establish a claim that it was intentional on the part of the complainant. The arresting civilians were more than 20 and when he struggled with them Accused Person was injured.

The court inquired from Prosecution who presented the cutlass to the police.

Prosecution told the court that it was the complainant. the complainant also presented the stick with the adhesive substance, a pair of slippers and a pair of scissors.

The court inquire if the Accused Person is married.

Accused Person told the court he is not.

The court inquire if the Accused Person if he has children.

Accused Person told the court he has a son aged 9 years.⁴

The court inquired where the child was.

The Accused Person told the Court the child is with his mother at Tabere.

The court inquired from the Accused Person who he stays with.

The Accused Person told the court that he has rented a house at Kokoben newsite.

The court inquired from the Accused Person of the work he does.

Accused Person told the Court he sells phones at PZ at Adum. Accused Person has no joint.

The court inquire from the Accused Person how he sells his phones.

Accused Person told the court that he displays them on a table.

The court inquired from the Accused where he comes from

Accused Person told the court that he comes from Tabere.

The court inquired from prosecution if they had anything to say before Accused Person is served.

Prosecution told the court no.

SENTENCE

Hearing regard to the charge levied against the Accused Person , the fact that he pleaded Guilty Simpliciter and particularly that he seemed to have already been meted with justice by those who arrested him and sent him to the police Station, Accused Person can not be made to suffer harshly twice for the same offence.

Accused person is therefore sentenced to 12 months in prison with hard labor.

H/W NANA ADWOA SERWAA DUA-ADONTENG
CIRCUIT COURT, AKROPONG.