

**BEFORE HER HONOUR NANA ADWOA SERWAA DUA-ADONTENG, JUDGE SITTING  
AT AKROPONG CIRCUIT COURT ON 4<sup>TH</sup> OCTOBER, 2023**

**COURT CASE NO: D21/02/2024**

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**THE REPUBLIC**

**VERSUS**

**YAW OTENG JOHN ALIAS YAW BEKOE**

**Prosecution Represented by: D/Inspector Alexander Agbekpornu.**

**Accused Person is self-represented**

**FINAL JUDGMENT**

**COUNT ONE:**

The accused person is charged with the offence of grant of land to which that person has no title. Contrary to section 277 (2A) of the Land Act 2020( Act 1036)

**FACTS**

The complainant, Stephen Acheampong is a business man staying at Asuoyeboah whiles accused Yaw Oteng John also alias Yaw Bekoe is also a farmer residing at Atwima Manhyia. On 25/03/2020 accused met complainant at Atwima Koforidua and during their conversation, accused told complainant that he had sold a half plot of land to someone at Atwima Koforidua but the person has been transferred from the jurisdiction and ready to resell the land. The complainant showed interest and the accused sold the land to the complainant at an amount of GHs6,400.00 and gave a site plan and allocation paper to him. Complainant started to develop the land and a certain

woman came to claim ownership of the same land. Complainant then called the accused person and accused sensing danger went into hiding. The complainant reported the case to the police on 08/08/2023. Upon intelligence, accused was arrested at Sankore, his hideout and brought to Akropong police station for investigation. During investigation, accused admitted the offence and stated that he was instructed by Nana Kyereme the Odikuro of Atwima Koforidua to sell the land on his behalf. Police went to Odikuro but he denied instructing the accused person to sell the land. After investigation, accused person was charged and put before his honourable court for trial.

### **PLEA**

The plea of the accused was taken in Twi Language after the court explained the various pleas available to him and the consequence of each plea.

The Accused person pleaded Guilty with Explanation to the Charge.

### **EXPLANATION OF ACCUSED TO THE PLEA**

The accused person told the court that his explanation is the same as the earlier one he gave to the court because it is the same plot, the one in the earlier case. He said if he knew he would have had such problems, he would not have engaged with Nana because he has never had such problems with him. He thought he would help him when the problem arose but he didn't and he had to go for a loan. He made everyone a photocopy of the site plan and allocation paper so that he would be the one to take care of the land for whenever a problem arises. The accused person said he decided to sell his properties and whatever was left to be paid. He said he will sit down with Nana but that was not what happened. He sold lands that no problems occurred even though the lands have not been developed. That is why he is praying for time to sell his properties and to be able to sit down with the Nana.

### **CONVICTION ON OWN PLEA COP**

The court, having heard the explanation of the accused person, finds he put up no defence to the charge of granting land to a person of which he had no title.. I maintain his Plea of Guilty and Convict the accused person on his Own Plea.

### **PRIOR CONVICTION**

The court inquired from the prosecutor if the Accused Person is known to the Law. the prosecutor informed the court that he is known to the law and that he has been arrested by the court for a similar offence and sentenced

The court inquired from the prosecutor if he can give the court the date of the conviction.

The prosecutor informed the court that it was this very court, Akropong Circuit Court which convicted the accused person on 11<sup>th</sup> August 2023, for the offence of grant of land to which he has no title. He was sentenced by this court on 4<sup>th</sup> August 2023 to pay a fine of 7,500 penalty unit in default to serve a sentence of 7 years.

### **PRE-SENTENCING PROCEDURE**

The court inquired from the Accused person of his age.

He responded by saying he is 52 years of age.

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

He said he is married

The court inquired of the accused person if he has kids.

He said he has three kids aged 23 years (she is deaf) and a younger one who is 10 years old and the youngest is 8 years old. He said they The court inquired from the Accused person to allocate for the offence he had been found guilty and convicted of. He pleaded that he was guilty to the charge so prayed the court to forgive him and reduce the punishment to the offence.

are with their mother and he lived with them at Atwima Manhyia before the case.

### **PLEA OF MITIGATION**

The court inquired from the Accused person to allocate for the offence he had been found guilty and convicted of. He pleaded that he was guilty to the charge so prayed the court to forgive him and reduce the punishment to the offence.

### **SENTENCE**

Giving record to Accused person conviction and sentence, his age, his prayer of allocation the fact he has pleaded Guilty. I sentenced Accused person to a fine of 7500 penalty units and default to serve a sentence of 7years imprison for the offence of grant of land to which he did not have title to Stephen Acheampong. The sentence is made with regard to section 296 of Act30.

**H/W NANA ADWOA SERWAA DUA –ADONTENG  
(CIRCUIT JUDGE)**