

THE CIRCUIT COURT HELD AT AKROPONG ON
20TH DAY OF MARCH, 2024 BEFORE H/H NANA ADWOA
SERWAA DUA-ADONTENG OFORI SITTING AS THE JUDGE

CASE NO. D6/002/2023

THE REPUBLIC

VRS

HARUNA MOHAMMED

JUDGEMENT

Prosecution represented by: D/I Alexander Agbekporu

Accused person is self-represented.

CHARGE

The Accused person is charged with the offence of Causing Harm contrary Section 69 of the Criminal Offences Act (Act 1960), that on 02/023/2024 about 7:00 am at Fufuo in the Atwima Nwabiagya North District in Ashanti Region and within the jurisdiction of this court, you intentionally and unlawfully caused harm to Isaac Osei Aboagye by slashing his right hand with a cutlass.

PLEA

The court inquired from the Accused person what language he would like to speak and Accused person said he would speak Twi language. The court read and explained to the Accused person in Twi language what the charge was and before taking his plea explained to him what the available pleas were to him.

Accused person pleaded Guilty with Explanation

FACTS

Complainant Isaac Osei Aboagye is a mason and resides at Fufuo whilst accused Mohammed Haruna @ Ahmeed is a labourer and also resides at Fufuo. On 02/03/24 about 7:00pm, the accused had a fight with one Yaw Duku at Fufuo taxi rank and they were restrained by the town folks. Accused who was dissatisfied went home and brought a cutlass and was brandishing it towards the taxi rank for Yaw Duku whom he fought with. A witness in this case who happens to be the father of the complainant met the accused when he was heading towards the taxi rank and advised him to stop, drop the cutlass and go home but the accused disrespected the witness and proceeded with the cutlass to the taxi rank. Complainant who sensed danger picked firewood to disarm the accused to avoid injuring someone but failed and in the process got slashed in the right hand by the accused. Complainant reported the case to the police and was issued a police medical report form to hospital for treatment. Accused was apprehended and he admitted to the offence and charged and put before this honourable court.

EXPLANATION BY THE ACCUSED PERSON

On that day there was a party in the area and I was trying to rest but because of the noise I couldn't rest so I went outside. When I got outside I got into an altercation with Yaw Duku. The people at the taxi rank came together to attack me so I decided to fight back. The complainant was one of the people who was attacking me so I went to my room, got a cutlass and decided to defend myself and attack anyone who came close and I attacked the complainant with the cutlass in my hand. I was defending myself from being assaulted.

CONVICTION ON OWN PLEA (COP)

After hearing the explanation, I find that the explanation does not amount to a defence to the charge. Accused person is hereby Convicted on his Own Plea for the offence which he has been charged with.

PRE-SENTENCE HEARING

Nature of offence: Causing Unlawful Harm is a second degree felony with a maximum sentence of 10 years.

Level of Harm – Serious injury with extended deep cut and bruising.

Aggravating/Mitigating factors

Premeditation – I find that the accused left the crime scene and went home to bring a cutlass to slash the victim.

Was the offence done with intent – yes, the facts indicate the accused intended to slash the victim during the altercation.

High degree of fear – yes, because the victim took a stick to try to protect himself.

Personal harm or deformity - yes, the victim was injured in his right hand and appeared in court in cast.

Medication report – supports broken arm with extensive recovery

More than one victim but the Accused was arrested. The other victim Yaw Duku was also hurt with injury

Two or more offences – yes was charged with assault with other person

Spur of the moment – No

Age Difference – 29 years though the assessment shows that he is 37 years and upon his physical look.

Influence of drink/Alcohol – taken alcohol but not under the drunk of alcohol.

Can he pay the bills – No the accused is not in the capacity to do so because he is being taken care of by his mother.

Is there more than one accused person – one person, the accused facts indicate that there should be more than one offence.

Background of Accused

Wife – No

Children – No

Parents – Mother, Accused live with mother and taken care of by mother.

Accused person has no family to assist to pay compensation. Accused cannot pay compensation in lieu of a custodial sentence. The accused is looking up to the victim's family to assist with compensation.

Background of Victim

Married – yes

Children – 3 all below 18 years

Work – work as a mason

Last time of work – Friday before the incident happened on Saturday.

How often do you go for treatment – Every other 3 days?

Cost – the victim informed the court he had incurred medical expenses of about Ghs 6000 but did not provide any receipts to the court.

Community service/ work

When the court asked the accused 'Do you have any evidence of proof of community work?' His answer was "I don't live in one place for long because I am a labourer and I move around to work. I will rely on the testimony of the victim's father to testify of my good works."

The victim's father who was in court answered that he lives at Fufuo but I don't know the work he does.

Accused person - I used to be a chain-saw operator.

Where the weapon - Forfeiture of weapon is: he does not have weapon

Assessment of Aggravating and mitigating factors

I found that there are more aggravating factors than mitigating factors.

The accused is not in the position to pay compensation by virtue of being unemployed and cared for by his mother.

An order to pay compensation within a reasonable time will be merely impossible given his means.

The accused person is therefore sentenced in accordance with section 70 of Act 29 (Act, 1960) 10 years imprisonment

PLEA OF MITIGATION (ALLOCUTION)

I did not do well. We are all brothers, they should forgive me.

SENTENCE

On the analysis of all above, I hereby sentence the accused person to 10 years in prison for unlawfully causing harm to Isaac Osei Aboagye.

HH NANA ADWOA SERWAA DUA-ADONTENG

CIRCUIT COURT