

**BEFORE HIS WORSHIP FREDERICK TIEME KAAR HELD AT SALAGA DISTRICT  
COURT ON TUESDAY THE 3<sup>RD</sup> DAY OF JANUARY 2023.**

**CASE NO.NR/DC/SAL/40/2022**

**THE REPUBLIC**

**VRS**

**OSMAN ABDUL- KARIM ISSAH**

**BY COURT:**

**J U D G E M E N T**

Accused person Osman Abdul-Karim Issah was put before this court on the 25<sup>th</sup> day of January, 2022 charged with Causing Harm contrary to Section 69 of the Criminal and Other Offences Act, 1960(Act 29). Accused person pleaded not guilty and the case was set down to go into the merit of the case.

The case of the Prosecution is that during the celebration of the Islamic Religious festival in January 2022 that Accused person Osman Abdul- Karim Issah used a knife to slash the wrist of the right hand of victim Seidu Matim a Senior High School (SHS) student. The Police who was on patrol mission swiftly intervened and the Accused person was arrested. That victim Seidu Martin was issued with a police medical form to seek medical attention at the Salaga government hospital. In his investigation caution statement accused person was alleged to have said that he was defending himself.

Prosecution called four witnesses to substantiate their case, first Prosecution witness was in the person of A.S.P Osman Agbaglow. When Witness Statement (W/S) was verified, adopted and admitted into evidence, Accused person was called to cross-examine PW1, but he declined. The second Prosecution witness was in the person of

No. 489201 CPLGodwin Ofori. His W/S was verified, adopted and admitted into evidence, the Accused person was called to cross-examine PW2 but he declined.

The third Prosecution witness was in the person of Seidu Martin, the victim. Seidu Martin is a minor and the court took time to take him through preliminary questions to ascertain whether or not he will appreciate the fact of speaking the truth. At the end of it all, the court was convinced that Seidu Martin was a competent witness. He was sworn in, His W/S was verified, adopted and admitted into evidence, and the Accused person was called to cross-examine the PW3. He did cross-examine PW3. After Prosecution called their 3<sup>rd</sup> witness accused person jumped bail. Accused person was no more coming to court. The Surety was served with forfeiture notice and was given one month to produce the accused person in court. In the process, the Magistrate was referred to Korle-Bu Teaching Hospital to undergo surgery. The Magistrate returned from hospital and the case was re-called on the 30<sup>th</sup> December, 2022.

Prosecution called their last witness on the 30<sup>th</sup> day of December, 2022 in the person of D/CPL Cletus Clinton D. His W/S was verified adopted and admitted into evidence as his evidence in-chief. When Accused person Osman Abdul- Karim Issah was called to cross-examine PW4, He declined.

When Accused person was called to open his defense and after the three options of opening defense was explained to him thus;

- (i) To mount the witness Box and lead his evidence and be cross-examined by prosecution
- (ii) To stand in the Accused Box and lead his evidence which the Magistrate can choose to write down what he says or not to write anything and no cross-examination.
- (iii) To rely on the statement he earlier on gave to the police.

Accused person opted to rely on his statement earlier given to the police. In the said statement Accused person states that he is Fulani Herdsman living in Salaga. That on the 48<sup>th</sup> Birthday of the Prophet Mohammed (S A W) that marked the Islamic festival called “Maulid” he was standing at a point with a friend whilst victim Seidu Martin was also standing close by with his friends. Accused contended that one of the friends of the victim splashed water on him and he wanted to find out why that then victim circled around him and victim held him by the hands from behind. Further that the friends now wanted to remove his money and there was a struggle between him and victim’s friends. That in the process the knife he was having slashed victim Seidu Martin on the right wrist. He maintained that he never slashed victim intentionally only he was protecting his money.

The issue to be discussed is; “whether or not accused person did cause harm to victim Seidu Martin”.

Section 69 of the Criminal and other offences Act 1960 (Act 29) states that, “A person who intentionally and unlawfully causes harm to any other person commits a second degree felony.” Going by the statement the Accused relied on, he said it was the celebration of 48<sup>th</sup> Birthday of the Prophet Mohammed and the incident happened around 09:30pm. The question any reasonable person will ask is; why going to a social gathering armed with a knife? It pre-suggests that the Accused person had a mind-set when he was going to the celebration ground. Granted without admitting that the people splashed water on him does that warrant him to pull a knife? The possession of the knife at a public gathering was dangerous because anything can happen. Further, the absconding of Accused person from court is in itself speaks volumes of pages. It was not his intention to come back to court. From the statement that the accused person relied on, he said he was standing with a friend. Why is it that he did not call that friend to be a principal witness? Failure to do the above leave much to be desired.

Based on the analysis above, I therefore find as a fact that Osman Abdul- Karim Issah is guilty of the offence charged and accordingly he is convicted on the offence of causing Harm.

**Reasons for Accused Conviction;**

- i. Going to a gathering armed with a knife meaning he had a mindset of drawing a knife on anyone at the least provocation.
- ii. Jumping Bail when he was granted bail.
- iii. The fact that he states that he was protecting his money was unbelievable.

**By Court**

Q. Prosecutor is Accused person known?

Ans. No

Q. Any Hospital bills?

Ans. Yes

**By Court;**

**Compensation Order**

Compensation Order Accused person is to compensate victim Seidu Martin with three hundred Ghana Cedis (GH¢300.00) to mitigate his medical expenses

**Punishment**

Accused person Osman Abdul- Karim Issah pleaded not guilty to the charge of causing harm; he jumped Bail in the course of the trial and was recaptured. To be lenient with the Accused person will mean encouraging other criminals to be jumping Bail. Osman Abdul- Karim Issah is hereby sentence to **Three Hundred (300)** penalty units or in default serves **eighteen (18)** months imprisonment.

**By Court**

Accused person is at liberty to appeal against his conviction and/or sentence.

**N/B;**

The knife retrieved from the Accused person is confiscated and hand over to the Ghana Police Service, Salaga to destroy it.

.....SGD.....

**HIS WORSHIP MR. FREDERICK TIEME KAAR  
(DISTRICT MAGISTRATE)**