

**IN THE DISTRICT COURT '2' AT ADENTAN  
HELD BEFORE HER WORSHIP PRISCILLA SOPHIA YEBOAH  
ON WEDNESDAY THE 17<sup>TH</sup> DAY OF MAY 2023**

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**SUIT NO. B15/162/23**

**THE REPUBLIC**

**V**

**SETH ADJETEY**

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**RULING**

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The Ruling is in line with the requirement under Section 173 of Act 30/1960 which entreat the Court to rule on the Charges against the Accused at the end of prosecution's case, either upon submission of no case by the Accused or his Counsel or suo-motu by the Court.

I am enjoined to determine whether prosecution has not made out a sufficient case to warrant calling on the Accused to open his defence in respect of all or any of the Charges. If so the Charge or Charges may be dismissed and Accused acquitted and discharged.

- This is because prosecution is by law required to prove its case beyond reasonable doubt by the time it closes its case.

Accused person is standing trial for the offence of dishonestly receiving property contrary to Section 146 and 148 (1) of Act 29/60. That is the Criminal Offences Act. Prosecution relied on the evidence of two (2) of their witnesses that is the Complainant and the Investigator.

The Complainant failed to attend Court to substantiate the facts alleged in this Witness Statement making his evidence an exception to the hearsay rule. Even though it is admitted in evidence it does not still make it credible and its subject to scrutiny for Want of Credibility, the evidence of PW1 is struck out.

The well-established rule is that the arrest can be proved by the evidence of a single witness and that the Court can base its judgment on the evidence of a single witness. In "Kruv Saoud Bros & Sons [1975] IGIR 46," CA, it was held that the testimony of a single witness in a motor accident was sufficient basis on which to found the judgment. The only condition stated in that case was whether or not that evidence was entitled to credit. Judicial decisions depend on credit or intelligence and not the multiplicity of witnesses produced at the trial.

In line with the above and many other judicial decisions, the Investigator, the only available witness, became the only witness for the prosecution.

He testified that the Accused was arrested on suspicion to have stolen two (2) bundles of PVC pipes. Accused brought the items to the Complainant to buy but could not declare the source.

- That Accused told prosecution that the items were given to him by one Alex to sell for him. According to the Investigator, Accused could not lead them into the said Alex so Accused was charged with the offense as stated in the Charge sheet.

When given the chance to challenge the evidence of the Investigator, Accused failed to ask any question. Clearly, there are questions which demand explanations.

Since prosecution has established that the Accused was found with stolen goods, it behooves him to raise a reasonable doubt to prosecution case.

I therefore rule that the Accused has a case to answer and I shall call upon him to open his defense.

**(SGD)**

**H/W PRISCILLA SOPHIA YEBOAH  
MAGISTRATE**