

**IN THE DISTRICT COURT, NEW EDUBIASE**  
**HELD ON FRIDAY 28<sup>TH</sup> FEBRUARY, 2025**  
**BEFORE HER WORSHIP ANASTACIA Y.A. KARIMU ESQ.**

**CC 19/2025**

**THE REPUBLIC**

**VRS.**

**DANIEL NTI**

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**JUDGMENT**

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1. The accused person was arraigned before this court on 30<sup>th</sup> December, 2024 for the offence of causing harm contrary to section 69 of the Criminal Offences Act, 1960 (Act 29), to which he pleaded guilty with explanation. After hearing his explanation, the court found that his explanation was inconsistent with a plea of guilty. Consequently, a plea of not guilty was entered on his behalf. At the close of the case for the prosecution, the court called upon him to open his defence after finding that a prima facie case had been established against him.
2. The facts of the case as presented by the prosecution is that the accused person was the boyfriend of seventeen year old Akua Anokyewaa to the displeasure of her parents. She was relocated from Assin Dansame in the Central Region to Adansi Praso in the Ashanti Region to live with her uncle Rashid Yusif to put an end to their relationship. On 20<sup>th</sup> December, 2024 the accused person armed with a kitchen knife traced Akua Anokyewaa to Adansi Praso. While having a conversation with her the accused person pulled out the kitchen knife in his pair of shorts, stabbed her in the chest and took to his heels. The victim raised an alarm which attracted some neighbours to her aid, but the accused person managed to escape. After the

incident, Rashid Yusif accompanied Akua Anokyewaa to New Edubiase police station and lodged a formal complainant. She was issued with a police medical report form to attend New Edubiase Government Hospital for treatment and endorsement. On 23<sup>rd</sup> December, 2024 Akua Anokyewaa lured the accused person to Adansi Praso where he was arrested and escorted to New Edubiase police station. In his investigation cautioned statement the accused person admitted to the offence as stated on the charge sheet. After close of investigations the accused was found culpable and consequently charged with the same offence and put before this court.

3. The fundamental rule of our criminal jurisprudence is that an accused person is presumed to be innocent until proven guilty by a court of competent jurisdiction. This is enshrined in **Article 19(2)(c)** of the Constitution, 1992 as follows “(2) a person charged with a criminal offence shall... (c) be presumed innocent until he is proved guilty or has pleaded guilty.” Hence the burden of proofing the guilt of an accused person is the responsibility of the prosecution. The only thing required of an accused is to raise reasonable doubt. In the case of **Commissioner of Police v. Antwi [1961] 1 GLR 408**, the Supreme Court held that “The fundamental principles underlying the rule of law are that the burden of proof remains throughout on the prosecution and the evidential burden shifts to the accused only if at the end of the case of the prosecution an explanation for circumstances particularly within the knowledge of the accused is called for. The accused is not required to prove anything, if he can merely raise reasonable doubt as to his guilt, he must be acquitted.”
4. **Per section 11(2) of the Evidence Act, 1975 (NRCD 323)** the evidential burden on the prosecution is discharged by the production of sufficient evidence to establish the guilt of the accused person beyond a reasonable doubt. **Section 11 (2) of NRCD 323** provides that “In a criminal action the burden of producing evidence when on the prosecution as to any fact which is essential to guilt requires the prosecution to produce

*sufficient evidence so that on all the evidence a reasonable mind could find the existence of the fact beyond a reasonable doubt."*

5. **Section 13 (1) of NRCD 323** also provides that: *"In any civil or criminal action the burden of persuasion as to the commission by a party of a crime which is directly in issue requires proof beyond a reasonable doubt."* Lord Denning J (as he then was) in the case of **Miller v. Minister of Pension (1947) 2 AER 372** explained proof beyond reasonable doubt as follows: *"Proof beyond reasonable doubt does not mean proof beyond a shadow of doubt. The law would fail to protect the community if it admitted fanciful possibilities to deflect the course of justice. If the evidence is strong against a man as to leave a remote possibility in his favour which can be dismissed with the sentence 'of course it is possible but not the least probable,' the case is proved beyond reasonable doubt, but nothing short of that will suffice."*
6. Sufficient evidence is not limited to a fixed number of witnesses nor to certain types of evidence. What is required of the prosecution is to produce credible evidence from which the guilt of the accused can be inferred whether the said evidence is adduced by one or multiple witnesses: **Boakye v. The Republic [1999-2000] 1 GLR 740**.
7. According to the evidence of the first prosecution witness Akua Anokyewaa, the accused person is her boyfriend. When her parents found out about her relationship with the accused person, they relocated her from Assin Dansame to Adansi Praso to live with her uncle Rashid Yusif. Two weeks prior to the incident someone told her he had seen the accused person in her neighbourhood at Adansi Praso. On 20<sup>th</sup> December, 2024 at about 10:00pm, a young male adult in her neighbourhood came to her house and told her someone was looking for her. She went out and saw the accused person behind her house who said he was the one looking for her. The accused person asked her if she had another boyfriend besides

him and she said no. Suddenly the accuse person pulled out a knife on her and attempted to stab her abdomen but she bent down, and he stabbed her chest instead. Injured, she went back to her house and narrated her ordeal to her uncle who went with her to the scene in search of the accused person, but he was not there. They found the knife he stabbed her with on the ground and her uncle picked it up. The next day her uncle led her to the New Edubiase police station to lodge a formal complaint.

8. The evidence of Hanna Abawa Takyi is that PW1 is her older sister. On 20<sup>th</sup> December, 2024 between 9:00pm and 10:00pm, she was at home watching a video with her sister when a young male adult came to inform her sister that the accused person was looking for her. She accompanied her sister outside to meet the accused person. When they got to where the accused was standing, he asked her sister if she had another boyfriend beside him. Her sister's response was, "and so what?" Suddenly the accused person pulled out a knife from his shorts and attempted to stab her sister in the abdomen, but PW1 bent down, resulting in the accused person stabbing her chest. She rushed back to their house to inform their uncle Rashid Yusif and returned to the scene with him. When they arrived, the accused person had fled. However, they found the knife the accused used on the ground. Her uncle picked it up and took it to their house. The incident was later reported to the police.
9. Rashid Yusif, the third prosecution witness testified that PW1 and PW2 are his nieces with whom he lives at Adansi Praso. He relocated PW1 to his house at Adansi Praso from Assin Dansame because of her relationship with the accused person. On 20<sup>th</sup> December, 2024 at about 10:00pm, he heard an unusual noise outside their house. Shortly afterwards some children in their neighbourhood came to inform him the accused person had stabbed PW1. He quickly went to the scene to verify the information. At the scene he saw PW1 with a fresh wound on her chest with blood oozing from it. She narrated her ordeal to him and mentioned

the accused person as her assailant. He found the knife at the scene and took same to their house. The following day he led PW1 to the New Edubiase police station and lodged a formal complaint.

10. According to the investigator, detective Inspector Michael Herzuah, he is stationed at the District Criminal Investigation Department at the New Edubiase District police headquarters. On 21<sup>st</sup> December, 2024 a case of causing harm reported by PW1 was referred to him for investigations. The knife used in the commission of the offence was given to him. He took statements from PW1, PW2, and PW3. He also visited the crime scene at Adansi Praso. On 24<sup>th</sup> December, 2024 some community members of Adansi Praso arrested the accused person and handed him over to the New Edubiase police station. She invited PW1 to the station where she identified the accused person as her assailant. He took an investigation cautioned statements from the accused person. The victim submitted the medical report form issued to her duly endorsed. He also took a charge statement from the accused persons. He tendered the following into evidence,

- a. Exhibit A - the endorsed medical form
- b. Exhibit B – a kitchen knife without its handle

11. When the accused person opened his defence, he chose to give evidence on oath but did not call any other witnesses. In his evidence, he stated that on 20<sup>th</sup> December, 2024 he went to visit his girlfriend, that is PW1. Due to the scary nature of the road at night, he decided to carry along a knife to serve as a protection. When he got to her house, she was not there so he decided to wait for about five minutes. While waiting he saw her approaching but making a phone call. When he called her, she told him to let her go home and return. While waiting, he decided to peel oranges he had brought with the knife he had carried along. When she returned, she asked him to escort her to the main road to buy oranges for her uncle. When

they returned to the spot where he waited for her, she told him to wait for her while she goes to give the oranges to her uncle. After a while he saw her busy on her phone, so he called her to find out if she had another boyfriend aside him. Her response enraged him, so he decided to return home. However, she held his clothes when he tried to leave. He told her to let go of him, but she did not, and she was stabbed in the chest by the knife he was holding. She rushed home while he stood there. Because it was an accident, he stood there for a while before going home. He did not run away.

12. **Section 69 of the Criminal Offences Act, 1960 (Act 29)** defines the offence of causing harm as follows: *“A person who intentionally and unlawfully causes harm to any other person commits a second degree felony.”*

13. **Section 1 of Act 29** defines harm as *“bodily hurt, disease, or disorder whether permanent or temporary.”* The evidence before the court shows PW1 was stabbed by the accused person, which stab resulted in a wound on the chest of PW1. This evidence is supported by the evidence of PW2, an eyewitness to the incident, and PW3 who ran to the scene shortly after PW1 was stabbed. The evidence before this court also shows that the accused person was PW1’s assailant. PW2 testified that the accused person tried to stab PW1’s abdomen but she dodged and was injured on the chest. PW3 also testified that he saw a fresh wound on his niece’s chest on 20<sup>th</sup> December, 2024. In exhibit A the medical officer indicates that there were two stab wounds on PW1’s chest. She also had muscular skeletal pains. when asked to cross-examine PW1, the accused was silent for over five minutes. When he finally spoke, this is what he said, *“I do not know what caused me to do what I did. I did not mean to do it. I pray for forgiveness. I have no questions for the witness.”* He also chose not to cross-examine PW3 or PW4.

14. The evidence of PW1 and PW2 is that the accused person stabbed PW1 because he became angry when he suspected PW1 was cheating on him with another man. During cross-examination of PW2, the accused person admitted to stabbing PW1 in the presence of PW2. This is what he said:

*“Q: When you saw me stab PW1, what did you say?”*

*A: I ran and informed my uncle (PW3). When we returned to the scene you had absconded. We found half of the knife on the ground and took it home.*

*Q: When you saw me draw the knife, what did you say?”*

*A: I did not say anything, but my sister began to scream.”*

15. Harm is unlawful where the harm caused is not justified within the set limits enumerated in the law. Where a ground for justification of harm exists, the harm would be deemed unlawful if more force is applied than was reasonably necessary in the circumstances of the case. **Section 76 of Act 29** provides that *“Harm is unlawful which is intentionally or negligently caused without any of the justification mentioned in chapter One of this Part.”*

16. **Section 30 of Act 29** provides as follows: *“(1) For the purposes of this Act, force or harm is justifiable which is used or caused in pursuance of a matter of justification, and within the limits that are provided for in this Chapter.”* **Section 31** provides as follows: *“Force may be justified in the case and manner, and subject to the conditions, provided for in this Chapter, on the grounds*

*(a) of express authority given by an enactment; or*

*(b) of authority to execute the lawful sentence or order of a Court; or*

*(c) of the authority of an officer to keep the peace or of a Court to preserve order; or*

*(d) of an authority to arrest and detain for felony; or*

*(e) of an authority to arrest, detain, or search a person otherwise than for felony; or*

*(f) of a necessity for the prevention of or defence against criminal offence; or*

*(g) of a necessity for defence of property or possession or for overcoming the obstruction to the exercise of lawful rights; or*

*(h) of a necessity for preserving order on board a vessel; or*

*(i) of an authority to correct a child, servant, or other similar person, for misconduct;*  
*or*

*(j) of the consent of the person against whom the force is used."*

17. The accused who during cross-examination of the PW1 sought for forgiveness for what he did, testified on oath that he did not stab PW1 when he opened his defence. According to him, PW1 was accidentally injured by the knife he was holding when she held his shirt to prevent him from leaving when he tried to leaving after he found her response to his question of whether or not she was cheating on him offensive. Given the circumstances of this case, is this explanation acceptable or reasonably probable?

18. In the case of **The Republic v. Victor Selormey [2001-2002] 2 GLR 424**, the court stated the principle that must guide trial courts in their evaluation of an accused person's defence as follows, *"Even if the court does not believe the defence the court must still go further and consider whether the explanation being offered by the accused person is reasonably probable. It is only when the defence has been considered in this light, that the court could come to a conclusion as to the guilt of the accused person."*

19. The evidence of the accused person is that PW1 was stabbed in the chest when he tried to free himself from her grasp. He was holding the knife at that time. If that is the case, then the natural location at which PW1 should have been injured is her abdomen or the hand she used to try to prevent him from leaving. Exhibit A contradicts his evidence. Per the medical report, PW1 was stabbed twice. There is no way that someone can be stabbed twice by accident. An argument may be made for one stab wound, but certainly not two. The accused also testified that he did



not run away after the incident but stood there for a while before going home. And yet neither PW2 nor PW3 found him at the scene when they returned to assist PW1. Had he been there when PW3 came to the scene, PW3 would not have allowed him to go; he would have arrested and taken him to the police that very night. But he was at the scene when PW2 and PW3 arrived at the scene. Having failed to cross-examine PW1 and PW3 on this issue, I take it as a fact that the accused person ran away after stabbing PW1 twice in the chest.

20. The defence of the accused person is neither acceptable nor reasonably probable. He also failed to establish any of the justifications enumerated in section 30 of Act 29 in his favour. The evidence shows that the accused person stabbed Akua Anokyewaa out of jealousy because he suspected her of having another boyfriend. The case of the prosecution is proved beyond a reasonable doubt. Consequently, the accused person is convicted for the offence of causing harm.

**H/W ANASTACIA Y.A. KARIMU ESQ.**

**[MAGISTRATE]**