IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE SITTING AT NSAWAM MEDIUM SECURITY PRISONS ON TUESDAY, 30TH MAY 2023

CORAM: HIS LORDSHIP JUSTICE KOFI NYANTEH AKUFFO – JUSTICE OF THE HIGH COURT

CASE NO. D15/32/2021

MARK ADIJUM LATIF @ MARK ADJEI

V.

THE REPUBLIC

JUDGEMENT

INTRODUCTION

Mark Adijum Latif @ Mark Adjei (hereinafter called "Appellant") appeared before the Circuit Court, Accra facing two (2) counts for the following offences:

- **Conspiracy to commit crime, Contrary to Section 23 (1) of (Act 29) of 1960.**
- **Defrauding by false pretences, Contrary to Section 132 of (Act 29) 1960.**

The Appellant pleaded not guilty on both counts.

The brief facts of the case revealed that the Appellant and one another conspired to and did defraud a German National to the tune £250.00(pounds sterling), €248,557.91(Euros) and $670.00 (Dollars), under the pretext of supplying Gold and money.

After a full trial, Judgement was duly delivered.

The Appellant was found guilty on both counts and was convicted accordingly.

He was sentenced to eight (8) years in prison on both counts.

The sentences were to run concurrently.

Aggrieved by and dissatisfied with the conviction and sentence, the Appellant has appealed against both the conviction and sentence

The following are the grounds of Appeal:

1. The conviction cannot be supported by the evidence on record.
2. The trial judge erred when she failed to consider adequately the defence put up by the Appellant.
3. The sentence imposed on the Appellant was excessive and too harsh.

Both the Counsel for the Appellant and the Republic filed written submissions.

For the sake of clarity, I will deal with the following:

(a) Burden and standard of proof in Criminal cases.
(b) Elements/ingredients of the offences.
(c) Applicable principles governing appeals against conviction.
(d) Applicable principles and guidelines on sentencing.
(e) The decision of the court.
(f) Conclusion.

BURDEN AND STANDARD OF PROOF

With regards to criminal trials in this in this jurisdiction, it is the duty of the prosecution to prove the guilt of the Accused person.
Moreover, the guilt of the Accused person needs to be proved to the degree of beyond reasonable doubt.
The dicta of two (2) prominent Jurists are in point.
S.A. Brobbey J (as he then was) stated the following in **Republic v. District Magistrate Grade II, Osu, ex parte Yahaya (1984-1986) 2 GLR 361 at 365:**

> **"…One of the cardinal principles of criminal law in this country is that when an accused person pleads not guilty, his conviction must be based on evidence proved beyond reasonable doubt…".**

The ubiquitous Ollenu JSC, on his part, stated as follows in the celebrated case of **Oteng v. The State (1996) GLR 352 at 354, SC:**

> **"…The citizen too is entitled to protection against the state and that our law is that a person accused of a crime is presumed to be innocent until his guilt is proved beyond reasonable doubt….".**

So what constitute reasonable doubt?

Once again, the words of two (2) eminent common law Jurists amply define its meaning.
Justice Shaw, former Chief Justice of the United States of America (USA) stated as follows in 1850, during the trial of Professor Webster of Harvard University for the murder of Dr. Parkman.

> **"… It is the condition of mind which exists, when Jurors cannot say that they feel an abiding conviction, a moral certainty of the truth of the charge. For it is not sufficient for the prosecution to establish probability, even though a strong one according to chance. He must establish the fact to a moral certainty, a certainty that convinces the understanding, satisfies the reason and directs the Judgement…".**

On a more recent note, Denning J (as he then was) commented on the topic as follows in the case of **Miller v. Minister of Pensions (1947) 2 All ER 372 at 373:**

> **"…It need not reach certainty, but it must carry a high degree of probability, proof beyond reasonable doubt does not mean proof beyond 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 so strong against a man as to leave only a remote possibility in his favour which can be dismissed with the sentence 'of course it is possible but not in the least probate', the case is proved beyond reasonable doubt…".**

ELEMENTS/INGREDIENTS OF OFFENCE CONSPIRACY TO COMMITT CRIME

The offence of conspiracy to commit crime is found in Section 23(1) of Act 29/60 (supra). It provides as follows:

"…If two or more persons agree to act together with a common purpose for or in committing or abetting a crime, whether with or without a previous concert or deliberation, each of them commits a conspiracy to commit or abet the criminal offence…".

In the case of **State v. Otchere and others (1963) 2 GLR 463**, the court held as follows:

" … Co-conspirators need not be personally acquainted to each other, it was enough if they were linked by a common purpose …".

On a similar note, in **State v. Boahene (1963) 2 GLR 554,** the court stated the following:

" … The test for conspiracy was whether the parties had a common purpose and not acquainted with each other. The existence of a common design could be inferred from their subsequent overt acts …".

From the foregoing, it is my view that the essential ingredients needed to be proven beyond reasonable doubt by the prosecution are the following:

1. There must be two or more persons.
2. The parties must agree to work together.
3. The parties must agree to work for a common purpose; and
4. The common purpose of the agreement must be to commit crime.

With regards to the punishment for conspiracy, the accused persons herein face the same penalty as the offence they are deemed to have conspired to commit

DEFRAUDING BY FALSE PRETENCES

The instant offence is based on Section 131(1) of Act 29/60 (supra) which states:

"…A person who defrauds any other person by a false pretences commits a second degree felony…".

As to what constitutes defrauding by false pretences, Section 132 of Act 29 reads:

> **"…A person defrauds by false pretences if, by means of a false pretence, or by personation that person obtains the consent of another person to part with or transfer the ownership of the thing…".**

Also of relevance is Section 122 of Act 29, which as far as is material reads:

> **133(1):- "…A false pretences is a representation of the existence of a state of facts made by a person, with the knowledge that the representation is false or without the belief that it is true, and made with an intent to defraud…".**
>
> **133(2):- "…For the purposes of subsection (1), a representation may be made by written or spoken words, or by personation, or by any other conduct, sign, or means of any kind…".**

Taking into the cognizance all the above, the following are the essential ingredients of the instant offences:

(a) That the accused made false pretences that relates to an existing fact.
(b) That the representation made by the accused is false.
(c) That the representation was made in one of the forms stated in Section 133, that is, written, or spoken words, personation or any other conduct; sign or means of any kind; and
(d) That the accused had an intent to defraud at the time he made the false pretences.

Having been classified as a second degree felony, the Accused faces a maximum of twenty-five (25) years in prison, if convicted.

- **See Section 296(5) of the Criminal and other Offences (Procedure) Act – Act 30/60 (as amended by Section 5 of Act 261).**

THE APPLICABLE PRINCIPLES GOVERNING APPEALS AGAINST CONVICTION

So, what are the grounds upon which an Appellate Court can rightly disturb the findings of a trial court?

The most important ground is that there has been a substantial miscarriage of justice.

Additionally, is it apt to establish that there exists three (3) ways upon which substantial miscarriage of justice can be grounded.
The esteemed scholar and Jurist, Dennis Dominic Adjei, in his authoritative book, Criminal Procedure and Practice in Ghana, Volume 1, wrote the following on what constitutes substantial miscarriage of justice at page 469:

> **"…There is one main ground under which an appeal may succeed, that is where the Appellant proves that there is a substantial miscarriage of justice. There are three separate grounds of Appeal which constitute substantial miscarriage of justice and a successful proof of any one of them may allow the appeal. The first ground is where the appellate court considers that the verdict or conviction or acquittal ought to be set aside on grounds that it is unreasonable or cannot be supported having regard to the evidence. The second ground is where the court considers that the judgement was decided on wrong question of law or fact. The last ground is where the court finds that there was a miscarriage of justice. Any other ground of appeal outside the three grounds discussed above error or defect or technically unless it has occasioned substantial miscarriage of justice…".**

THE APPLICABLE PRINCIPLES AND GUIDELINES ON SENTENCING

At the outset, it is apt to establish the proposition that any Appeal, be it against sentence, conviction or both is by way of rehearing.

To this effect, it is totally incumbent upon the Appellate Court to consider the evidence on record and consider whether the trial Judge came to the right conclusions.

The case of **Bosso v. The Republic (2009) SCGLR, 420** is directly in point.
The Esteemed Jurist, Georgina Wood CJ, stated as follows:

> **" … The Rule that Appeals are by way of rehearing is not limited to substantive Appeals only, but the sentences passed, provided an Appeal lies therefrom …"**

It must be noted that when an Appellant seeks to get the sentence meted out reduced, he must be aware that there exists some general sentencing principles.

It is for the above reason that Ansah JSC stated as follows in **Mohammed Kamil v. the Republic (2011) 1 SCGLR at 300:**

> **" … Where an Appellant complains about the harshness of a sentence, he ought to appreciate that every sentence is supposed to serve a five-fold purpose, namely, to be punitive, calculated to deter others, to reform the offender, to appease the society and to be a safeguard to this country …".**

Indeed, with regards to general sentencing principles, same was given a detailed elaboration in the oft-quoted case of **Kwashie v. The Republic (1971) 1 GLR 488, CA.**
Azu-Crabbe JA (as he then was) stated as follows:

> **" … In determining the length of sentence, the factors which the trial Judge is entitled to consider are (1) the intrinsic seriousness of the offence; (2) the degree of revulsion felt by law-abiding citizens of the society for the particular crime; (3) the premeditation with which the criminal plan was executed; (4) the prevalence of the crime within the particular locality where the offence took place, or in the country generally; (5) the**

sudden increase in the incidence of the particular crime; and (6) mitigating and aggravating circumstances such as extreme youth, good character and the violent manner in which the offence was committed. Thus, a Judge in passing sentence may consider the offence and the offender as well as the interest of society …".

It must be noted that the need for a trial Judge to take into account the offence, offender and society is of paramount importance.
It is precisely for the above reason that Baidoo JA (as he then was) remarked as follows in **Republic v. Selormey (2001-2002) 2 GLR,424:**

" … On the authorities, in passing sentence, a Judge had to consider the offence, the offender and the interest of society. Thus, although there was no scientific scale by which punishment was measured, a sentence had to be imposed to fit both the offender and the crime …".

With regards to sentencing, it is also trite learning that same is a matter of discretion for the trial Judge.

However, it is of utmost importance that the discretionary powers of the court is exercised within the confines of established principles.
Specifically, it is incumbent upon the sentencing authority to take into account the relevant mitigating and aggravating factors.

Additionally, should the trial Judge decide to impose a lenient or a deterrent sentence, it is of paramount importance that cogent reasons are given for the sentence imposed.

Once a trial Judge has duly adhered to the above requirements, it does not lie with the Appellate Court to disturb the sentence imposed by the trial court.

However, the contrary hypothesis is also true.

If the trial Judge fails, refuse or neglect to take into account the applicable mitigating and aggravating factor or give reasons for the sentence imposed, the Appellate Court would be fully entitled to interfere with the sentence imposed by the trial Judge.

The above propositions have been duly established in a myriad of authorities in this jurisdiction.

The ratio Descendendi of three (3) Eminent Jurists are directly in point.

In Banda v. The Republic (1975) 1 GLR at 52, Osei-Hwere J (as he then was) stated as follows:

> **" … The exercise of the power of sentencing lay entirely within the discretion of the trial Court, and provided the sentence fell within the maximum permitted by the statute creating the offence and the trial Judge duly considered those, matters that should go in mitigating of sentence, an Appellate Court should not disturb the sentence only because it would have felt disposed to impose a lighter sentence if it had tried the case at first instance …".**

On a similar note, Apatu-Plange J (as he then was) had the following to say in **Assah alias Asi v. The Republic (1978) GLR at 2 – 3**:

> **" … Now in dealing with an Appeal of this nature, the court has to find out whether there were any mitigating factors which the trial Magistrate took or failed to take into consideration. If the record reveals that he took all the said mitigating factors into consideration before imposing the sentence, then discretion can be said to have been properly exercised, and in the absence of any special circumstances, an Appellate Court will be slow to interfere with such a sentence. If, however, the record does not reveal that the trial Magistrate took any such mitigating circumstances into consideration, then the Appellate Court will find out whether the said mitigating factors were such that if the trial Magistrate had adverted his mind to them, he would have probably not have imposed the said severe sentence …".**

Taylor J (as he then was) on his part, stated as follows in **Haruna v. the Republic (1980) GLR, 189:**

> **" … The question of sentence was a matter of discretion with all courts of justice. However, the discretion was exercisable on well-known principles.**

In awarding sentence, particularly when the court set out to award a deterrent sentence, all the circumstances must be considered. If there were circumstances tending to mitigate the application of the deterrent principle, then reasons must be given why those circumstances must be ignored if a deterrent sentence was imposed. If that was not done, then the discretion has not been properly exercised and the Appellate Court could interfere with the said exercise of discretion. If, however, all the circumstances relevant to the question of the appropriate sentence have been adequately considered, the exercise of the discretion by a lower court ought not be impugned by an Appellate Court …".

The factors, guidelines and principles stated ut supra, would be taken into due consideration in determining whether the instant Appeal ought to succeed or fail.

DECISION OF THE COURT

There are three (3) grounds of appeal in the instant matter.
They are as follows:

1. The conviction cannot be supported by the evidence on record.
2. The trial Judge erred when she failed to consider adequately the defence put up by the Appellant.
3. The sentence imposed on the Appellant was excessive and harsh.

As stated ut supra, both the Appellant and the Republic filed written addresses. Amongst the points raised in the address of the Appellant are the following:

a) The Complainant entered into an illegal contract.
b) An illegal contract cannot give rise to criminal prosecution.
c) The Complainant indulged in Money laundering, contrary to the Money Laundering Act 2008 (Act 779).
d) The investigator confirmed to the trial court that the Appellant was not connected to the Money transfers.
e) The Prosecution failed to connect the Appellant and his co-accused.
f) The Investigator admitted that he did not know anything about the investigations carried out.

g) The fact that different Accused persons played different roles should not lead to the imposition of different sentences.
h) The Trial Judge did not take into account mitigating factors before imposing the sentence on the Appellant.

The authorities relied on by the Appellant include the following:

1. **Republic v. Selormey (2001 – 2002) 2 GLR, 424.**
2. **COP v. Antwi (1961) GLR, 408.**
3. **Berg v. Sadler and Moure (1937) 2 KB, 158.**
4. **Lutterodt v. COP (1963) GLR, 429 SC.**
5. **Abott v. The Republic (1977) 1 GLR, 326.**
6. **Manu v. The State (1964) GLR, 239.**
7. **Have v. The Republic (2015) 80 GMJ, 220**
8. **Frimpong alias Iboman v. The Republic (2012) 1 SCGLR, 297.**
9. **Faisal Mohammed Akilu v. The Republic (unreported) Criminal Appeal No: J3/8/2013 dated 5th July, 2017.**

With regards to the written submission filed by the Republic, same contained a complete rebuttal of the points relied on by the Appellant in his address.
The following cases were cited by the Republic in support of its case:

1. **Republic v. Selormey (2001 – 2002) 2 GLR, 424.**
2. **Ali Yusif Issa (N02) v. The Republic (2003-2004) SCGLR, 174.**
3. **Abolt v. The Republic (1977) 1 GLR, 326.**
4. **Manu v. The State (1964) GLR, 239.**
5. **Kamil v. The Republic (2011) 1 SCGLR, 300.**

It is trite law that all Appeals are by way of rehearing. As such, when an Appellate Court is confronted with an Appeal, it is vitally important to consider the totality of the evidence placed before the trial court, evaluate same and determine if the Appeal ought to succeed or fail.
Upon subjecting the evidence placed before the trial court through microscopic scrutiny, could it be said that the instant Appeal has merit?

The answer is in the negative.
Six (6) patent and cogent reasons inform the conclusion I have reached. I now proceed to elaborate on the reasons ut infra.

First, I am of the considered opinion that the prosecution duly led evidence to prove each element of the offences of conspiracy to commit crime and defrauding by false pretences.
There exists ample evidence on the record that the Appellant represented to the Complainant that he was called Mark Adjei. He also posed as Christ Walters and demanded various amounts of money under the pretext of supplying Gold and Money.
It was based on the above representations which was duly relied on by the complainant, which resulted in the monies being sent.
There are some compelling evidence which clearly support the fact that the prosecution led requisite evidence to prove the commission of the offences beyond reasonable doubt.

From the record available to this Appellate Court, it is clear that the appellant thumb printed a statement to the police in which he was referred to as Mark Adjei. It is equally clear that the said Mark Adjei duly sent various e-mails to the Complainant in which he demanded various sums of money.
Based on the false representations and relying on same, the Complainant ended up transferring various sums of money by Western Union transfers and Bank to Bank Transfers.
Given the fact that both the Appellant and his co-accused interacted with the Complainant in Ghana and juxtaposing same with the sheer volume of documentary evidence available to the trial court, I can safely conclude that the prosecution proved all the elements of the offences beyond reasonable doubt.
In coming to the instant conclusion, I took into account the fact that it is the quality of witnesses used to prove elements of an offence that matters.

The quantity of witnesses used is, to a large extent, inconsequential.
The case of **Gligah v. Atisu v the Republic (2010) SCGLR, 870** is directly in point. The Learned Jurist Dotse JSC stated as follows:

> ***"…We have always held the view that in establishing the standard of proof required in a civil or criminal trial, it is not the quantity of witnesses that a party upon whom the burden of proof rests calls to testify that is important, but the quality of the witnesses called and whether at the end of the day the witnesses called by the party have succeeded in proving the ingredients required in a particular case. In other words, does the evidence led meet the standard of proof required in a particular case? If it does, then it will be a surplusage to call additional witnesses to repeat virtually the same point or seek to corroborate evidence that has already been corroborated..."***

Second, I do not believe that the Appellant adduced sufficient evidence to raise reasonable doubt as to his guilt.
The Appellant duly denied representing himself as Mark Adjei and Chris Walters. He also denied sending e-mails requesting various sums of money or receiving the money sent by the Complainant.
According to the Appellant he was framed by the Complainant because she realised that he was a married man.
Frankly, by virtue of the sheer number of e-mails requesting money from the Complainant coupled with the Bank Transfers and Western Union transfers, the Appellant's assertion is rendered fanciful at best and virtually absurd at worst. I must hasten to add that the Appellant did not seek to call any witnesses to corroborate his claims.
It is a legal truism that on an Accused person is not obliged to lead evidence to prove his innocence.
However, it is also true that it is incumbent upon an Accused person to lead evidence to raise reasonable doubt as to his guilt.
This is particularly so when a prima facie case has been made.

To my mind, failure to lead the requisite evidence would invariably mean that the prosecution has proved its case beyond reasonable doubt.

The esteemed Jurist, Sophia Akuffo JSC (as she then was) stated as follows in **Ali Yusif Issah (No.2) v. The Republic (2003-2004) 2 SCGLR, 181.**

> ***"… taken together, the burden of persuasion and the burden of proving evidence … are the components of the burden of proof. Thus, although an accused person is not required to prove his innocence during the course of his trial, he may run a rick of non-production of evidence and/or non-persuasion to the required degree of belief, particularly when he is called upon to mount a defence…"***

Third, it must be emphasised that it is not only direct evidence that can be provided to prove a fact in issue.

It is trite learning that circumstantial evidence can also be used to prove elements of an offence. Indeed, circumstantial evidence can be as patent, reliable and cogent as direct evidence.

It is pursuant to the instant proposition that Lord Hewart CJ stated as follows **in R v. Taylor (1928) Criminal Appeal Report 21:**

> **"…It is evidence of surrounding circumstances which by undersigned coincidence is capable of proving a proposition with the accuracy of mathematics..."**

In the instant matter, the prosecution duly tendered in evidence an e-mail sent by Mark Adjei to the Complainant. The e-mail was sent on 19th June, 2012 at 10:15.

The e-mail requested the complainant to send money through Western Union or MoneyGram. The e-mail further stated that two (2) people will collect the money.

The two (2) names are the following:

1. **William Kofi Danso**
2. **Adijum Latif Onifade.**

The Appellant in his testimony in court stated as follows:

> **"…The Investigator called me by the name Adjei. I didn't know what he meant. He said this is what PW1 (Complainant) called me. I told him my name is Adijum Latif Onifade but he told me to keep quiet. He wrote Adijum Latif and wrote into brackets (Mark Adjei) …".**

Having admitted on oath that he is called Adijum Latif Onifade, the question begging to be asked is this: Why is the Appellant's name mentioned in an e-mail from Mark Adjei to the Complainant?
Frankly, it would be a coincidence of epic proportions for the Appellant's name to appear in an e-mail sent by Mark Adjei by pure chance.
I am of the firm view that the above circumstantial evidence virtually incapacitated the defence put up by the Appellant at the trial court.

Fourth, there exists some material discrepancy, inconsistency and contradiction in the case put forward by the Appellant at the trial court.
When he testified in court, the Appellant stated that he does not have an e-mail account/address. However, the above is in direct contradistinction with what is contained in the caution statement of the Appellant.
In his caution statement, the Appellant said that he told the Complainant about the hacking of his e-mail account/address.
The Appellant even added that he told the Complainant to change her password as his e-mail was being used by the hackers.
To further confuse matters, counsel for the Appellant suggested to an Investigator of the case that the Appellant's e-mail account/address could have been hacked by an unidentified person.

As can clearly be seen, there is material discrepancy, inconsistency and contradiction between what the Appellant stated in court and what is in his caution statement to the police.

What is the legal significance of witness who offer contradictory evidence? The answer is contained in two (2) helpful dicta.

In **Republic v. Maikankan and Others (1972) 2 GLR, 502**, Aboagye J. (as he then was) stated as follows:

> **"…once it has been proved that a witness has made previous statements to the police, the contents of which are inconsistent with the evidence given in court by the same witness, the effect of the evidence is negligible…"**

The respected Jurist Osei-Hwere JA (as he then was) commented as follows in the case of **Gyaabah v. The Republic (1984-1986) 2 GLR, 461:**

> **"…For the law was that a witness whose evidence on oath was contradictory of a previous statement made by him, whether sworn or unsworn, was not worthy of credit and his evidence could not be regarded as being of any importance in the light of his previous contradictory statement unless he was able to give a reasonable explanation for the contradiction…"**

In the instant matter, there is no evidence that the Appellant offered a reasonable explanation for the contradiction.

Fifth, one of the grounds of the instant Appeal is that the sentence meted out to the Appellant was harsh and excessive.

It was argued that it was wrong and unfair for the Appellant to receive a stiffer punishment than his co-accused. The Appellant was sentenced to eight (8) years in prison whilst the co-accused was given a fine of 800 penalty units and in default, serve three (3) years in prison.

According to the Appellant, if he and his co-accused were both found guilty for conspiracy and were both ordered to refund the

money lost by the Complainant, it was imperative that there was uniformity in the sentence imposed.
This Appellate Court remains unconvinced about the merits of the instant argument put up by the Appellant.
It is trite learning that in imposing sentences, it is expected that the Trial Judge would consider the offence and the offenders.
In other words, consideration must be given to the roles played by each offender.
It would be a travesty of justice to insist that all offenders of a particular crime must necessarily receive the same sentence.
The case of **Republic v. Selormey (2001-2002) 2 GLR, 424** is directly in point. Baidoo JA (as he then was) stated:

> **"On the authorities, in passing sentence, a judge had to consider the offence, the offender and the interest of society. This, although there was no scientific scale by which punishment was measured, a sentence had to be imposed to fit both the offender and the crime…".**

Upon evaluation of the entire record of evidence, I am of the considered opinion that the Trial Judge struck the right balance between Aggravating factors and Mitigating factors and imposed sentences that cannot be impeached.
Consequently, I find no merit in the instant ground of Appeal.

Sixth, as stated ut supra, there exist one fundamental ground upon which an Appeal will be allowed.
The ground is that there has been a substantial miscarriage of justice.

> **-See Section 31 of the Courts Act 1993, Act 459.**

The definition of what constitutes miscarriage of justice was given by the Supreme Court in the case of **Adu v. Ahamah (2007-2008) SCGLR, 143**. The Court held as follows:

> **"…That miscarriage of justice means such a departure from the rules which permeate all judicial procedure as to make that which happened not in the proper sense of the word judicial procedure at all. That the violation of some principle of law or procedure must be such an erroneous proposition of law that if**

that proposition be corrected the finding cannot stand; or it may be neglect of some principle of law or procedure, whose application will have the same effect.."

Relating the above dictum to the instant matter, this court is of the firm view that the trial Judge did not commit any errors of law which had the effect of causing substantial miscarriage of justice.
On the contrary, I am convinced that she correctly evaluated the evidence placed before her and came to the right conclusions.

CONCLUSION

Taking into due cognisance all the aforementioned, I am satisfied that there is no merit in any of the instant grounds of Appeal.
Accordingly, the instant Appeal will not be allowed.
The Appeal against both conviction and sentence is hereby dismissed.

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*__Emmanuel Narh Esq,.(for Paul Asibi Abariga Esq,.) for the Appellant.__
__* State Attorney absent.__

SGD.
HIS LORDSHIP JUSTICE KOFI AKUFFO
(JUSTICE OF THE HIGH COURT)