10/03/2025

IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE HELD AT NKAWKAW – EASTERN REGION ON MONDAY THE 10TH DAY OF MARCH 2025: BEFORE HER LADYSHIP JUSTICE CYNTHIA MARTINSON (MRS), HIGH COURT JUDGE

SUIT NO. EAS/NKW/HC/F15/04/2025

THE REPUBLIC

VERSUS

ALHASSAN AWUDU & ANOTHER

PARTIES:

Appellants in lawful custody.

LEGAL REPRESENTATION:

Tamim Abubakar Esq. holding the brief of Dr. Aziizu Issifu Esq. for the Appellants present.

Cyril Boateng Keteku Esq. appears for the Respondent.

JUDGMENT

INTRODUCTION:

[1]. On 10th December 2024, the Appellants filed the instant appeal. The appeal is in respect of a Judgement from the District court Nkawkaw. The Judgement is dated 27th November 2024 and can be found at pages 4 -5 of the Record of Appeal [ROA].

[2]. The judgement concluded that the Appellants having pleaded guilty in open court are convicted on their own plea. The court then considered their plea for leniency and sentenced each of the convicts to 2 years imprisonment to run concurrently.

[3]. It should also be noted that before the conviction, the magistrate made the statement as below:

'The accused persons were not in court at the last adjourned date. They informed the court they were students which is the reason why they did not appear in court. However, during interrogation accused persons A1 and A2 confessed to the court that they were not indeed students and that they plead]with the court. The accused persons have shown disrespect to the court"

[4]. The Appellants grounds of appeal and the reliefs being sought are as follows:

GROUNDS OF APPEAL:

A] The conviction and sentence should be set aside on grounds that the judgement cannot be supported by the evidence on record.

B] That the trial magistrate was carried away by emotion instead of law in arriving at the conviction and sentencing.

C] The sentence of 2 years is harsh and excessive taking into consideration the circumstances of the case

RELIEFS SOUGHT FROM THE COURT:

a) The conviction and the sentence be set aside.

***[5]**. Before I go into the merits of the appeal, I wish to give the antecedents of the case to put it in proper perspective.*

The Appellants were charged with the following counts before the District Court Nkawkaw:

COUNT ONE:

STATEMENT OF OFFENCE

CONSPIRACY TO COMMIT STEALING CONTRARY TO SECTIONS 23(1) AND 124 (1) OF THE CRIMINAL OFFENCES ACT, 1960 (ACT 29)

PARTICULARS OF OFFENCE

[1]. ALHASSAN AWUDU, EXCRETA REMOVER AGE 25 [2] ISSAC OPOKU LOCOMOTIVE PUSHER AGE 22 : On the 1st day of November 2024 at Akroma Gold Mining Company Esaase near Nkawkaw in the Eastern Magisterial District and within the jurisdiction of this court, did agree and [sic] act together with a common purpose to commit crime to wit stealing.

COUNT TWO:

STATEMENT OF OFFENCE

STEALING CONTRARY TO SECTION 124 [1] OF THE CRIMINAL OFFENCES ACT, 1960 (ACT 29)

PARTICULARS OF OFFENCE

1. ALHASSAN AWUDU, EXCRETA REMOVER AGE 25 [2] ISSAC OPOKU, LOCOMOTIVE PUSHER AGE 22 :On the 1st day of

November 2024 at Akroma Gold Mining Company Esaase near Nkawkaw in the Eastern magisterial District and within the jurisdiction of this court, did dishonestly appropriate a piece of ore stone valued not determined the property of Akroma Gold mining company Limited. See page 1 of the ROA

MATERIAL FACTS:

[6] The trial facts as presented at the court below is as follows:

The complainant is a security resident at Saafi near Nkawkaw whilst *ALHASSAN AWUDU* and *ISAAC OPOKU* live at Nkawkaw Barrier and Abepotia respectively. *ALHASSAN AWUDU* is an excreta remover and *ISAAC OPOKU* is a locomotive pusher. Both the complainant and Appellants are workers of the Akroma Gold Company Limited, Esaase. *ALHASSAN AWUDU* considering the nature of his work in the said company's mining pit realized he was not inspected at the check point by the security men on duty anytime he brought excreta from the pit. On 01/11/2024 at about 12:30pm in the pit, the Appellants conspired to the effect that ISSAC *OPOKU* stole a piece of ore and gave it to *ALHASSAN AWUDU* to put it in his excreta rubber bucket. It was covered and conveyed through locomotive machine to send it up as if it contained the excreta. That when Alhassan Awudu approached the complainant looking at how heavy the load was, he suspected him even though he had not been checked. He was subsequently clearly questioned of the content. Alhassan Awudu instantly admitted the offence to the complainant and mentioned the name of Isaac Opoku as his accomplice. Appellants were arrested by the complainant and handed over to the police together with the

exhibit for investigation. On 03/11/24 police visited the crime scene and photographs were taken. The Appellants during interrogation were said to have admitted the offences in their investigation cautioned statements. After investigation they were charged.

SUBMISSION BY COUNSEL FOR THE APPELLANTS:

[7] *Counsel for the Appellants submitted in summary as follows:*

In the view of counsel;

i] The police coerced the Appellants into admitting the offence with a promise that, they will be released if they confessed to the charges against them.

ii] Counsel further argued that, the Appellants misapprehended the charges levelled against them and based on the information they were given by the police at the police station, they could not be seen to have independently pleaded guilty.

iii] Counsel contended that, the failure of the court to take the plea of the Appellants in the language that they understood clearly breached their constitutionally guaranteed right.

iv] According to counsel, from the proceedings dated 13/11/24 the Appellants were unaware of the Court date and there was no summons on them to appear pursuant to ***Section 70 of the Criminal and other Offences [Procedure] Act, 1960 [Act 30].***

v] Counsel added that, there is no indication from the record that the charges and facts of the case were read and explained to the

appellants in a language of their choice. The court did not consider ***Section 199 subsection 1-4 of Act 30 and Article 19 [2] d of the 1992 constitution.***

vi] Counsel continued that, the Appellant court can disturb a conviction on a plea of guilty when it can be shown that any of the subsequent circumstances occurred: the appellant did not appreciate or understand the charge or pleaded by mistake, pleaded guilty to non-existence crime , in cases of Ambiguity, the appellant pleaded guilty but gives an explanation that negates the plea of guilty and in situations where the plea of guilty cannot be considered as a plea at all .He Made reference to the case **Alpha Zabrama V. The Republic [1976] DLHC 347** *and hence the Appellants did not appreciate the guilty plea they made*

vii]. It was the further contention of counsel that, His worship allowed his emotions to sway his thought on the 27th of November 2024. That the Appellants had completed senior high school and are preparing for Tertiary level. The trial Judge did not make adequate enquiry.

8]. Counsel also argued that, the sentence of 2 years is harsh and excessive taking into consideration the circumstances of the case.

The Republic did not file any legal arguments.

CONSIDERATION OF THE APPEAL BY THE COURT:

[9]. It is the law that an appeal is by way of re-hearing. In that case, the appellate court as in this case, has a duty to review the evidence and the law in order to determine whether the decision

of the trial court as in this case can be supported or justified in law.

See:

- **Vinotor and Others V. The Republic [2015] 90 GMJ 43 CA.**
- **Dexter Johnson V. The Republic [2011] 2 SCGLR 601**
- **Apaloo and Others V. The Republic [1975] 1 GLR 156 CA**
- **Frimpong @ Iboman V. The Republic [2012] 1 SCGLR 297**
- **Danielli Construction Ltd. V. Mabey & Johnson Ltd. [2007-08] 1 SCGLR 60**

Therefore, this court has to examine the Record of Appeal in this case, to determine whether the decision of the trial court dated, 27th November 2024 against the Appellants was right in law or on facts or both.

[10]. It must also be noted that, the threshold or the standard which an appellant has to meet in criminal appeals for his appeal to be successful, is to prove to the appellate court under **Sections 31(2) of Act 459 as amended by Act 620** and under **Section 406 of Act 30**, that the decision appealed against has caused substantial miscarriage of justice. Anything below the said threshold set by the law should lead to the appeal being dismissed.

See:

- **Kuchama Alias Friday V. The Republic [2017-2020] 2 SCGLR 135**

- **Okeke And Others V. The Republic [2012] 2 SCGLR 1105**

It is however instructive to note, that what will amount to substantial miscarriage of justice will depend on the circumstances of the case.

[11]. Therefore, a careful scrutiny of the submission by counsel for the Appellants call for the determination of the following issues.

(i) Whether the judgement can be supported by the evidence on record and whether the trial court was carried away by emotions instead of law.

(ii) Whether the sentence is harsh and excessive.

[12]. Before I go into the merits of the appeal, I wish to state the ingredients of the offence of Conspiracy and Stealing being the offences under which the Appellants were charged, convicted and sentenced.

Per **Section 23 (1) of the Criminal Offences Act, 1960 (Act 29) as amended by the Statute Law Review Commission 1998, ACT 562**. The current definition of conspiracy which applied to this case, can be found in **Section 23 (1) of the Revised Act 29**, which states that *"Where two or more persons agree to act together with a common purpose for or in committing or abetting a criminal offence whether with or without any previous concert or deliberation, each of them commits conspiracy to commit or abet the criminal offence".*

The new definition of conspiracy is therefore intentional conduct. The new definition has therefore changed the scope and the nature of the law on conspiracy in our criminal law.

Therefore, under the new definition of conspiracy, the persons must agree **to act** together to either commit or abet a crime.

Under the new definition, a person cannot be guilty of conspiracy in the absence of any prior agreement. Whereas, under the old definition, a person could be guilty of conspiracy in the absence of any prior agreement.

Under the new definition, the agreement and the acting together are conjunctive. Hence, the use of the preposition **to,** unlike the old definition where the agreement and the acting together were disjunctive, hence the use of the preposition **or** which means alternative.

See:

- **Agyapong V. The Republic [2015] 84 GMJ 142 CA**
- **The Republic V. Peter Kwame Gyasi [2014] 72 GMJ 167 CA**
- **Francis Yirenkyi V. The Republic [2016] 99 GMJ 1 SC.**

The ingredients of conspiracy under the new definition are therefore as follows:

a) That it involves two or more people
b) They agreed to act together.
c) That the agreement to act together was for a common purpose.

d) The common purpose was to commit or abet a crime.

See: **Richard Kwabena Asiamah V. The Republic [2020] 170 GMJ 510 SC,** and **Kingsley Amankwah (Alias Spider) V. The Republic [2021] 173 GMJ 230 SC**

The Appellants were also charged with the offence of **Stealing Contrary to Section 124 [1] of Criminal Offences Act, 1960, [ACT 29]** as amended. Under **Section 124 (1) of Act 29**, a person who steals commits a second-degree felony.

Section 125 of Act 29 defines stealing as follows:

"A person steals who dishonestly appropriates a thing of which that person is not the owner".

This means that for the prosecution to prove the offence of stealing against the accused persons, the prosecution must prove the following:

a) Dishonesty,
b) Appropriation and;
c) Property belonging to another person.

See:

Ampah V. The Republic [1977] 2 GLR 171 CA, and **Republic V. Nana Osei Kwadjo II [2008] 1 GMJ 42 S.**

It is also important for the court to remind itself that **Article 19 (2) (c)** provides that *"A person charged with a criminal offence shall be presumed innocent until he is proved or has pleaded guilty".*

In the case under consideration, the Record has it that the Appellants pleaded Guilty to all the offences.

RESOLVING THE ISSUES:

13] It worth knowing that Grounds 'A' and 'B' will be argued together under Issue [1]:

ISSUE 1:

Whether the judgement can be supported by the evidence on record and whether the trial court was carried away by emotions instead of law.

In fact, the record in this case is quite brief. This is because per the Record, the Appellants pleaded Guilty to both offences. I wish to reproduce the record below as it is:

Prosecution informed the court that they are ready to take the plea

1st Accused

Count One -Guilty

Count Two - Guilty

2nd Accused Person

Count One - Guilty

Count Two –Guilty

The accused persons were not in court at the last adjourned date. They informed the court they were students which is the reason why they did not appear in court. However, during interrogation, accused persons A1 and A2 confessed to the court that they were not indeed

students and that they plead [sic] with the court. The Accused persons have shown disrespect to the court.
By Court- The accused persons A1 and A2 having pleaded guilty in open court are hereby convicted on their own plea
BY COURT:
Accused persons plead for leniency
By COURT:
Having pleaded guilty in open Court, the Accused persons; A1 and A2 are hereby sentenced to two years imprisonment each without the option of a fine. Sentence to run concurrently on all counts.
The subject matter is to be returned to the lawful owner
SIGNED See pages 4-5 of the ROA.

Counsel stated that the trial court did not adhere to **section 199 of Act 30.** *What does the said section states?*
"1] Where the accused pleads guilty to a charge, the court before accepting the Guilty plea shall, if the accused is not represented by an advocate, explain to him the nature of the charge and the procedure of the acceptance of the plea of guilty.
2] The accused may then withdraw and plead not guilty
3] Any statement made by the accused in answer to the court, shall be recorded by the court in writing and shall form part of the record of proceedings
4] Where the accused pleads guilty but adds words indicating that he may have a defence or so indicates in answer to the court,

the court shall enter a plea of not guilty and record it as having been entered by order of the court."

According to counsel, the trial court did not comply with this elaborate procedure in section 199 of Act 30.

14] Much as this argument seems convincing, I must quickly say that this elaborate procedure is captured under Part IV of Act 30 which deals with Committal for Trial of Indictable Offences.

I must reiterate that, similar principles on fair trial of an accused person in summary trial are outlined in **Section 171 [1] [2] of Act 30**, except that it is trite that, the mode of conducting indictable trial is different from the mode of conducting summary trials, that is why a particular section has been designated for the trial of indictable offences, however, the fair trial principles are the same.

In the **Republic V. Eugene Baffoe-Bonnie & 4 Others Suit No. J6/1/2018 GHASC [07/06/2018],** the Supreme Court on the discussion on pre-trial disclosures noted that, pre-trial disclosures ought to apply in both summary trial and trial of indictment. The court however noted that, the mode of criminal trials and the details with respect to the application of pretrial disclosures remained to be worked out in the context of concrete situations and by subsequent legislation. Thus the Supreme Court in the above case recognized that in concrete situations depending on the mode of trial, there could be peculiarities.

The court noted through Sophia Adinyira JSC, as she then was as follows:

"We will therefore not be constrained by the provisions in Act 30 as to a pretrial procedure known as committal proceedings under part IV and summary procedures under Part III of Act 30, as the said Act is subordinate to the constitution. Our interpretation which will be in general terms applies to all modes of criminal trials and the details with respect to their application remain to be worked out in the context of concrete situations and by subsequent legislation".

15] It should be noted that, subsequent directives brought out to guide the court in administering pre-trial disclosures did not abolish the procedure of taking pleas in **Sections 171 and 199** even though the pre-trial disclosures are akin. However, concerning the plea-taking procedure, there are differences with regard to the two mode of trials that is; Summary Trials and Trial on Indictment.

It should also be gleaned from the record that, this case did not even go through a full trial to warrant pre-trial disclosures. However, from the ROA there were enough disclosures up to the time the plea was taken.

It is noteworthy that, regarding the present case, the Appellants were tried summarily, and with all deference to counsel for the Appellants, the procedure for taking plea in summary trials is captured under **Section 171 of Act 30** that is Part III [Summary Trial].

Subsection [1] reads: *"If the accused appears personally or by his counsel as provided under section 70, the substance of the charge contained in the charge sheet or complaint shall be stated*

and explained to the accused or if the accused is not personally present to the counsel of the accused, and the accused or his counsel shall be asked to plead guilty or not guilty"

Subsection [2] reads;

"A plea of guilty shall be recorded as nearly as possible in the words used, or if there is an admission of guilt by a letter under Section 70 [1], the letter shall be placed on record and the court shall convict the accused person and pass sentence or make an order against the accused unless there appears to it sufficient cause to the contrary".

It is the contention of counsel for the Appellants that, the trial Judge did not ensure that the charges were read to the Appellants and interpreted to them in the language of their choice before their respective pleas were taken. According to Counsel for the Appellants, prosecution played on the ignorance of the Appellants and coerced them to plead guilty.

16] In the view of this court, by the law as stated above, the trial judge must have recorded the words used by the Appellants as nearly as possible as noted in the dictum of **Owusu JSC** in the case of **Gabriel Joanne V. The Republic [2012] GHASC 17 [18th April 2012]** that, *"the judge is bound to record the plea as nearly as possible in the words used so that if there was any explanation or words used which rendered the plea of guilty inconsistent with the words added, then the court was bound to enter a plea of not guilty and then proceed to try the case."*

I must admit that as per the ROA, there is no information to suggest that the Appellants pleas were taken in the language of

their choice. The Magistrate did not record the words used by the Appellants at least in the 1st person to enable the court to appreciate that the Appellants understood the Guilty plea as prescribed by statute.

Besides, the plea of mitigation was also not stated as nearly as possible in the words of the Appellants just like the Guilty plea.

Another contention of counsel for the Appellants is that, the Magistrate was emotional in carrying out the case on that fateful day.

With this, I beg to differ since there is nothing on record to show that the Magistrate was emotional. His comment that the Appellants have been untruthful to the court was a fair comment, considering what he gathered from the Appellants.

17] Considering the above discussion, can it be said that there has been a miscarriage of justice and as such, the judgement is not supported by the record?

Section 31 [1] of Act 459 as amended by Act 620 provides among others that, *"An Appeal in criminal matters is to be allowed on substantial miscarriage of justice."*

The overarching question is, granted the Appellants misunderstood the nature of the charges or **plea** in both offences even though, the procedure as stipulated in **Section 171 of Act 30** was not followed to the letter, why did they plead Guilty?

I am without doubt that, the appellants understood the charges and appreciated same when they pleaded guilty to the charges and not because the court did not explain the charges in the language that they understood to them. Besides, why did they

plead for Leniency? Counsel cannot therefore approbate and reprobate on the Plea of guilty as entered by the court.

Counsel for the Appellants in arguing against the conviction also alleges that, the police influenced or coerced the Appellants to plead Guilty?

With due deference to counsel for the Appellants, this is not borne out of the record of Appeal before me. From the record, the plea of guilty by the Appellants exonerated the prosecution from any responsibility to prove the two offences that they were charged with.

Again, **Section 31 [2] of the Courts Act, 459 as amended by Act 620** provides that**; "***the court shall dismiss the appeal if it considers that no substantial miscarriage of justice has actually occurred or that, the point raised in the appeal consists of a technicality or procedural error or defect in the charge or indictment but that, there is evidence to support the offence alleged in the statement of offence in the charge or indictment or any other offence of which the accused could have been convicted upon that charge or indictment."*

Section 406 of the Criminal Procedure Act (Act 30) also provides that, *"subject to this part; a finding, sentence, or order passed by a court of competent jurisdiction shall not be reversed or altered or altered on appeal or review on account:*

(a) of an error, omission, or irregularity in the complaint, summons, warrant, charge, proclamation, order, judgment, or any

other proceedings before or during the trial or in an enquiry or any other proceedings under this Act, or

(b) of the omission to revise a list of jurors in accordance with Part Five, or (c) of a misdirection in a charge to a jury, unless the error, omission, irregularity, or misdirection has in fact occasioned a substantial miscarriage of justice."

I am of the opinion that, from the foregoing analysis, the judgement is supported by the record since there was no **substantial** miscarriage of Justice caused to the Appellants. I hereby dismiss grounds 'A' and 'B' of the grounds of appeal as unmeritorious.

ISSUE 2:

Whether the sentence is harsh and excessive.

18] On this ground of appeal, counsel argued that taking into consideration the circumstances of the case, the sentence of two years is harsh.

I must say that, Counsel did very little or no work on this ground of appeal as he did on the other grounds of Appeal.

By way of refreshing our minds, it is necessary that I reproduce what the offence creating sections say.

Section 124 [1] of the Criminal Offences Act, 1960, Act 29 as amended, states as follows;

"*A person who steals commits a second degree felony."*

It is also trite that, a person who abets or conspires with others to commit a crime is punished in like manner as if he has committed the criminal offence.

The Apex court has postulated in a plethora of cases the factors that a court ought to consider when determining the length of a sentence. Some of the cases in line are; **The Republic vrs. Adu Boahen [1972] GLR 70-78 and Kwashie vrs. The Republic [1971] 1 GLR.**

In determining the length of a sentence, the factors which the trial judge is entitled to consider are:

[a] The intrinsic seriousness of the offence;

[b] The degree of revulsion felt by the law -abiding citizens of the society for the crime,

[c] The premeditation with which the criminal plan was executed,

[d] The prevalence of the crime within the locality where the offence took place, or in the country generally,

[e] The sudden increase in the incidence of the particular crime, and

[f] Mitigating or aggravating circumstances such as extreme youth good character and the violent manner in which the offence was committed. See **Sakyi Vrs. The Republic [2010] 34 MLRG 188 C.A. pages [202-203]** per Kusi Appiah J.A.

It also bears stating that, a punitive or deterrent sentence may be passed so as to indicate the disapproval of society of that offence and where the court finds an offence to be grave.

This was enunciated in the case of **Frimpong alias Iboman V. The Republic [2015] GHASC [15th November, 2015].**

It is noteworthy that, stealing is a second degree felony offence. If the appellants were in a Circuit or a High Court, the judge could have sentenced them to a term of Imprisonment not exceeding 25 years as per the provision in **section 296 [5] Act 30/60** which provides as follows:

*"A person convicted of a crime under any of the following sections of the **criminal Act 1960 [Act 29]** that is to say; Sections **124**, 128, 131, 138, 145, 151, **152**, 154, 165, 239, 252, 253 and 260 is liable to a term of imprisonment not exceeding twenty-five years."*

19] It should however be noted that, the appellants were convicted by a District Court and per the Courts' Act as amended, the magistrate could not sentence the Appellants for more than 2 years unless it is a repeated offence. See **Section 48 [1] of Act 459 as amended**. Therefore, the sentence meted out to the Appellants by the trial judge was within the ambit of the law.

However, it is important to note that, the trial judge did not take any mitigation or aggravating factors into consideration before handing out the sentence, which is a flaw on his part.

Mitigating factors such as the Appellants youthfulness, the fact that they are not known, early plea, the retrieval of the stolen ore, and their contrition should have inured to their advantage. See **Ghana Sentencing Guidelines 2015**. Again, no aggravating factor was taken into account by the trial Magistrate. Aggravating

factor such as the Appellants breaching the position of trust by stealing from their employer [the company] leaves much to be desired.

Under **Section 30 (a) (ii) of the Courts Act 1998, Act 459**, an appellate court may in appropriate cases, alter the finding, maintain the sentence, or with or without altering the finding, reduce or increase a sentence on appeal.

However, there are settled principles on which the appellate court can so act. One of such basic principle is that, an appellate court will not interfere with a sentence of a lower court unless the sentence was found to be manifestly excessive having regard to the circumstances of the case or that, the sentence was wrong in principle as earlier noted. See the case **of Robertson vrs. The Republic [2013-2014] 2 SCGLR 1505.**

From the record, there is nothing to suggest that the Appellants are known, so this court will consider them as first time offenders.

It is trite knowledge that, a first offender may not deserve judicial clemency if there are certain aggravating circumstances to justify harsher sentence where for instance, a first offender in committing the offence uses cruel, or advanced methods of committing the crime. In such instance, a first offender should be punished harshly. See the case of **Kwashie & Anor V. The Republic 1971 1 GLR 488-496** where it was held that;

See also the case of **Adu Boahen V. The Republic [1972] 1 GLR.**

It needs mentioning at this stage that, where the crime was pre-arranged or pre-meditated and expertly executed, that may go to enhance the sentence.

It has been said in a plethora of cases such as; **Kamil V. The Republic 2011 1 SCGLR 300** that;

"*Sentencing is an exercise of discretion by a trial Judge and as long as the Judge has kept within the confines of what the law prescribes and had also considered the necessary aggravating and mitigating factors before passing the sentence, an appellate court, even if it would have imposed a different sentence must be slow to substitute its own with that of the trial judge".*

See also the cases of **Haruna V. The Republic 1980 GLR 189, Nana Yaw Owusu V. The Republic CAN H2/11/16**.

It should be noted that, it was within the discretion of the trial judge to give a fine or a custodial sentences and he decided on the later, considering how the crime was executed.

20] I have aligned my thoughts with the earlier noted decided cases, and have also weighed the aggravating and the mitigating factors. I am also minded that, the lower court was not informed about the value of the ore. I am again minded that, a small quantity of ore can be buried in sand which may add to the weight in the Latrine rubber. After a careful perusal of the entire **Record** in this present appeal, I would in the circumstances set aside the sentence of 2 years imprisonment to run concurrently as in the judgement of the District Court Nkawkaw dated 27/11/2024 and substitute same with a sentence of **6 months** imprisonment for

each offence to run concurrently for both Appellants herein to take effect from the date of their conviction. For the avoidance of doubt, the judgment of the trial judge dated 27/11/2024 is hereby set aside and same substituted with the judgment of this court.

Accordingly, this appeal succeeds in part.

(SGD.)
JUSTICE CYNTHIA MARTINSON(MRS.)
JUSTICE OF THE HIGH COURT,
NKAWKAW