

GHANA / JUDGMENT

THE REPUBLIC VRS AGYEKUM (B18/05/2024; B18/05/2024) [2023] GHACC 1148 (21 November 2023) [2023] GHACC 1148

COURT

Circuit Court

CASE / FILE NUMBER

B18/05/2024 ; B18/05/2024

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IN THE CIRCUIT COURT OF JUDICATURE HELD AT KUMAWU IN THE ASHANTE REGION ON WEDNESDAY THE 21ST DAY OF NOVEMBER, 2023 BEFOR HIS HONOUR JONATHAN ODARTEY, CIRCUIT COURT JUDGE. COURT CASE NO. B18/05/2024

JUDGMENT

THE REPUBLIC VRS STEPHEN AGYEKUM

JUDGMENT

The accused herein was charged on one counts of: Unlawful possession or control of narcotic plants per section 41 of the NARCOTICS CONTROL COMMISSION ACT, 2020 (ACT 1019) On 17th day of October, 2023 the accused was arraigned before the Circuit Court for the first time. The charge was read and explained to him to which the accused person pleaded guilty to the count simpliciter. Thereafter, the facts were given to the court. The accused was subsequently convicted on his own plea and remanded into prison custody for sentencing on 24/11/2023. Per Section 41 (1& 2) which deals with Unlawful possession or control of narcotic plants is to the effect that:

- (1) A person who without lawful authority, proof of which lies on that person, has possession or control of a narcotic plant for use or for trafficking commits an offence.
- (2) A person who commits an offence of unlawful possession or control of a narcotic plant—
 - (a) for use is liable on summary conviction to a fine imposed in accordance with the penalty specified in the Second Schedule or a term of imprisonment specified in the Schedule if the fine is not paid; The evidence on record succinctly points to the fact that the accused was in possession and use of the substance which he never denied when the offence committed was read to him in an open court. Prosecution evidenced the substance with a forensic report from the forensic science laboratory. This report indeed confirmed that the substance found on the accused was a cannabis The punishment for such offence under this act is seen in the second schedule of the NARCOTICS CONTROL COMMISSION ACT, 2020

(ACT 1019) 37 (2) (a) or 41 (2). This provision is to the effect that the punishment for the Prohibition of possession of narcotic drugs or plant (for use) should Not be less than two hundred penalty units and not more than five hundred penalty units N/A Not more than fifteen months imprisonment. The court in sentencing the accused is mindful of the fact that the accused has been in custody since his arrest. The age of the accused has also been factored into the sentencing. The accused been a young man of 24 years is expected to start life however it is important that the law is strictly applied to help reform him and also deter would be offenders within and outside the jurisdiction of the honourable court. The court finally averted its mind to the provision under article 14(6) of the 1992 constitution of the republic of Ghana on the sentencing of convicts. The accused is therefore sentenced to a fine of three hundred penalty unit or in default serve prison custody of six months. SGD H/H JONATHAN ODARTEY ESQ. CIRCUIT COURT JUDGE KUMAWU - ASHANTI

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