

GHANA / JUDGMENT

Republic Vrs Antwi [2023]

GHACC 415 (27 March 2023)

COURT
ghaccDECIDED
27 March 2023

Source: ghalii.org · Research copy typeset by Esheria. Not court-issued or certified.

IN THE CIRCUIT COURT HELD AT ABUAKWA ON MONDAY THE 27TH DAY OF MARCH, 2023 BEFORE HER LADYSHIP JUSTICE GWENDOLYN MILLICENT OWUSU, JUSTICE OF THE HIGH COURT SITTING AS AN ADDITIONAL CIRCUIT JUDGE D21/01/23 THE REPUBLIC VRS AKWASI ANTWI PROSECUTION: INSPECTOR EVANS AYIMBISA ACCUSED PERSON PRESENT AND SELF REPRESENTING

JUDGMENT

The accused was arraigned before this court charged with unlawful possession of Narcotic drug contrary to section 37(2) (b) of the Narcotics Control Commission Act, 2020 (Act 1019). The particulars of the offence are that AKWASI ANTWI, a driver's mate, aged 20 years, on the 25th day of November, 2022 at Abuakwa and within the jurisdiction of this court, did have in his possession twenty five (25) wraps of substances of cannabis without lawful authority. Accused pleaded guilty simplicita to the charge. The brief facts of prosecution's case are that, complainants are Police Officers stationed at Abuakwa whilst accused is a driver's mate residing at Abuakwa. On 25/11/2022 about 7:55pm, Abuakwa District Police Command swooped its area of responsibility to clamp down on the activities of criminals and drug users. The Police at Abuakwa township spotted accused at Agogo lorry station holding a brown polythene loitering. The Police approached him, subjected him to questioning and during search on him, a brown polythene was found containing twenty-five (25) wraps of dried leaves suspected to be Indian hemp. He was arrested and the exhibits were retrieved from him, retained for evidential purpose and investigation caution statement was obtained from him in the presence of an independent witness. He admitted in his caution statement that someone gave the suspected substance to him to sell to interested users but could not assist Police get his source of supply. The exhibits were later sealed in the presence of the accused person and sent to Forensic Crime Laboratory, Accra for forensic examination and on 22/02/2023 the results received indicated that, the exhibits tested positive for Delta-9- tetrahydrocannabinol, Cannabinol and Cannabidiol with net weight of 16.52 grammes, all active ingredients in Cannabis. Based on the report the accused was charged with the offence stated on this charge sheet and arraigned before this court. After the brief facts were read and translated to the accused in Twi, his language of choice, the court enquired from the accused whether the facts as read and translated were accurate. The accused answered that they

were accurate but has some mistakes. The court asked the accused to explain and the accused stated thus: “When I was arrested, they asked who the items belonged to, and I explained that they belong to a guy known as Baba Alhaji. When I told them that I know where he stays so we should go to arrest him, they did not go with me. They told me that I should go to jail and by the time I return, they would have gone to arrest him, but they did not go to arrest him”. The court enquired what the said Baba Alhaji give him the items for, and the accused answered that he gave them to him to go and sell. The court then enquired from the Prosecution why the said Baba Alhaji has not been arrested and according to the investigator, several attempts have been made to apprehend the said Baba Alhaji but they have not been able to get him and they are still making efforts to apprehend him. The court then asked the accused whether anybody had compelled or coerced him to plead guilty when he comes to the court, and he answered, “No. Nobody has compelled me”. The court then explained to the accused that by his plea, the court will no longer set the matter down for hearing because he has waived his right to a full trial by his plea, and the court can convict him on his plea; then the court asked whether he still stands by his plea, and the accused replied, “Yes. I stand by my plea”. The court, after satisfying itself that the accused person fully understands his plea and so pleads, thereby convicted the accused on his own plea to the charge. The case was adjourned for sentencing, and the accused remanded into Police custody. During the pre- sentence hearing, Daniel Kwame Boateng Esq. who was in court but had not been appointed by the accused as counsel offered to help the accused by addressing the court on his behalf. Accused accepted the help of counsel in open court and counsel prayed the court that the accused person pleaded guilty simpliciter without wasting the time of the court and resources. He has been honest and candid with the court. He is a young offender and a first offender in the circumstance. He has just become a father just five (5) months ago. He has shown some high sense of remorse. Because he is a first offender he referred the court to FRIMPONG @ IBOMAN V THE REPUBLIC (2012) SCGLR 297, which the court had cited earlier in a ruling earlier given by the court. He has been on remand. In as much as the laws of this country frowns against peddlers of drugs, he has to be punished for committing such a crime. That notwithstanding, he craved the indulgence of the court to sentence the accused to the barest minimum fine that accused can pay and enjoy his liberty once again. The prosecution on their part said they will leave everything to the discretion of the court. The accused was convicted on his own plea. The accused has been convicted under section 37 (2) (b) of Act 1019 which states that a person convicted for trafficking of narcotic drugs should be fined not less than ten thousand penalty units and not more than twenty- five thousand penalty units and not less than ten years and not more than twenty-five years imprisonment with a default of the fine being three years. However, section 47 of Act 1019 has a provision for special plea bargain that state: “A person arrested and charged with the offence of possession of narcotic drug or plant for trafficking who is only a courier for a principal, may plead guilty to the offence during the trial proceedings and have the sentence reduced by at least half of the sentence if that person co-operates fully with officers of the commission and the principal is arrested and charged after investigations”. The convict before this court has co-operated fully ever since the first day he was arraigned. He has given information as to the whereabouts of his principal but prosecution says that the principal has been very illusive of arrest. It is the opinion of this court that the accused

has discharged his obligation under section 47 for which reason the court will apply the provisions thereunder to his sentence. The court considering all aggravating and mitigating factors in line with the Ghana sentencing guidelines and applying the relief under section 47 of Act 1019 sentences the accused person to a fine of Two Thousand (2000) penalty units and two (2) years imprisonment. In default of the fine, accused will serve an additional four (4) months jail term. The accused has a right of appeal. (SGD.) GWENDOLYN MILLICENT OWUSU (JUSTICE OF THE HIGH COURT)

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://ghalii.org/akn/gh/judgment/ghacc/2023/415/eng@2023-03-27/source.pdf>

CASE PAGE <https://chat.esheria.ai/case-law/ghana/narcoticspossession-ghacc-2023>

Prepared on 25 October 2026 · Esheria