

GHANA / JUDGMENT

Republic Vrs Katso (F10/08/2023) [2024] GHAHC 309 (19 March 2024)

COURT
ghahcDECIDED
19 March 2024

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IN THE SUPERIOR COURT OF JUDICATURE IN THE HIGH COURT OF JUSTICE SITTING IN HO-VOLTA REGION CORAM: H/L JUSTICE YAW OWOAHENE-ACHEAMPONG J. SUIT NO: F10/08/2023 19TH MARCH, 2024 THE REPUBLIC VERSUS: - EDEM KATSO Accused present Jurors present Freda S. Ameke (SAS) with Anthony Ghatte Prosecuting Saviour S. Asase for accused present By Counsel for Accused: Upon conference with the Accused, the accused person intends to change his plea of not Guilty. By Court: At the instance of counsel for the Accused let the plea of the Accused be re-taken. CRE IN EWE Plea of Accused: Guilty on both counts. By Court: The Accused having changed his plea of not guilty simpliciter, the Accused is hereby convicted on his own pleas simpliciter on both counts. Before I pass sentence on the Accused person, the jurors are discharged. ORAL ADDRESS BY PROSECUTION: Prosecution: It is our contention that the Accused be given a minimal sentence rather than maximal. The Accused appears to be a young offender, he, being just 18 years at the time of the commission of the offence, the Accused per our records is a 2 first-time offender and the Accused has spent some three years in custody, the Accused has shown considerable remorse by his change of plea. From all the above, it is our humble prayer that the Accused be given the minimum of 5 years allowable under both sections 97 and 104 of Act 29. We pray humbly. By Counsel for Accused: We associate ourselves with the submissions of the learned State Attorney and we pray that under the circumstance of the case, the Accused be given the minimum sentence of 5 years on both counts and we also pray that the sentence to run concurrently. SENTENCE On 18/10/2023, the Accused person pleaded not guilty to two (2) counts of Rape under section 97 and Unnatural Carnal Knowledge under section 104 (1) of Act 29/60 of a 78- year-old woman. Today, led by his counsel the Accused changed his pleas from not guilty to guilty simpliciter on both counts. Both the Prosecution and the defence team have put in a prayer of mitigation of punishment for the Accused. From the facts before me, the Accused is a first time offender and the Accused appears to be a young offender, he was just 18 years at the time of the commission of the offence. It is significant that the Accused changed his plea and pleaded guilty to both counts, and by so doing, the Accused did not waste the time of the court. The Accused has also 3 spent some time in lawful custody and I believed that the Accused may have learnt some useful lessons. From all the above, I am inclined to spare the Accused harsh sentence. The Accused is therefore sentenced to five (5) years imprisonment IHL on both counts and the sentences are to run concurrently. The Accused is sentence accordingly. (SGD.) H/

L JUSTICE YAW OWOAHENE-ACHEAMPONG JUSTICE OF THE HIGH COURT eve

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