

GHANA / JUDGMENT

republic vrs. Uka (GR/ASF/DC/B7/98/25) [2025] GHADC 106 (10 September 2025)

[2025] GHADC 106

COURT

District Court

CASE / FILE NUMBER

GR/ASF/DC/B7/98/25

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

CORAM: IN THE ASOFAN DISTRICT COURT HELD ON THE 10TH SEPTEMBER, 2025 BEFORE
HER WORSHIP NANCY TEIKO SEARYOH (MRS.) SITTING AS MAGISTRATE

===== CASE NO: GR/ASF/DC/
B7/98/25 THE REPUBLIC VRS: SALVATION UKA

INTRODUCTION

J U D G E M E N T The Accused Person was arraigned before this Court on the 14th July, 2025 on the following charges;

- a. Stealing contrary to Section 124(1) of the Criminal Offences Act 1960 Act 29.
- b. Causing unlawful damage contrary to Section 172(B) of the Criminal Offences Act 1960 Act 29. Page 1 of 7 The Accused Person pleaded guilty on count one and not guilty on count two. He was therefore convicted on count one and sentencing differed on count two. The brief facts of the case as presented by the prosecution are that at about 2:45 a.m. one Ahmed Yussif a security man working at the Ofankor Anglican School was on duty and spotted the Accused Person carrying a show case on his head entering into a corner. The witness upon seeing the Accused person went into hiding to see what the Accused Person was doing. Few minutes later, the witness heard the Accused Person smashing the show case on the ground breaking all the glasses. The Complainant quickly rushed to the scene and met the Accused person removing the aluminum frames from the debris. The witness confronted the Accused Person as to why he caused damage to the glass but the Accused Person could not explain. Accused Person was subsequently arrested and brought to the Ofankor Police Station. Investigation caution statement was obtained from the Accused Person and he admitted having stolen the show case. The Complainant identified the show case at the station as hers. After investigation Accused Person was charged with the offences and put before this Honourable Court. To prove their case, the prosecution called two witnesses including the investigator. PW1 who gave her name as Rebecca Nankpo who is a trader stated that in the early hours of July, 7th 2025, she had a call from one Sarpong who is a

security man at the Anglican Basic School Ofankor that she should report to Ofankor Police Station. When she inquired about why she must report there, he told her that her show case glass that she uses to sell her food had been stolen. She rushed to the police station and it was there that she detected that her show case glass which was valued at GH¢1,000 had been stolen and damaged by the Accused Person. The police brought the Accused Person for her to see Page 2 of 7 and in the presence of everybody there, the Accused Person admitted stealing and damaging the show case glass. PW2, the investigator D/PW/C/Inspector Lydia Okyere Adu-tutu stationed at Ofankor Police Station stated that one Ahmed Yussif a security officer working at Ofankor Anglican School was on duty and spotted the Accused Person carrying a show case on his head. Investigation revealed that the witness on seeing the Accused Person went into hiding to see what the Accused Person was about to do. She stated that a few minutes after that the witness heard the Accused Person smashing the show case on the ground breaking all the glasses. The witness rushed to the scene and met the Accused Person removing the aluminum frames from the debris. Investigations revealed that the witness confronted the Accused Person as to why he caused damage to the show case but the Accused Person could not explain and so he arrested the Accused Person and sent him to the police station. She tendered the Charge sheet - Exhibit 'A' Facts - Exhibit 'B' Complainant's statement - Exhibit 'C' Investigation caution statement of Accused Person - Exhibit 'D' Charge statement of Accused Person- Exhibit 'E' Photograph of Showcase - Exhibit 'F'. The issue to be determined by this Court is whether or not the Accused Person unlawfully caused harm to the glass showcase of the Complainant. The cardinal rule is all criminal proceedings is that the burden of establishing the guilt of the Accused Person is on the prosecution and the standard of proof required by the Page 3 of 7 prosecution should be proof beyond reasonable doubt as provided in the Evidence Act 1975 (NRCD 323) per Section 11 (2) 13 (1) and 15. On the charge of causing unlawful damage, contrary to Section 172 (1) (b) of the Criminal Offences Act of Ghana (Act 29) of 1960 and Section 173 of Act explains damage as follows; "For the purposes of this Act "damage" includes not only damage to the matter of a thing, but also an interruption in the use of that thing or an interference with that thing by which the thing becomes permanently, temporarily useless, or by which expense is rendered necessary in order to render the thing fit for the purposes for which it was used or maintained" Section 174 (1) of the Act defines what amounts to unlawful damages as; "A person does an act or causes an event unlawfully within the meaning of the provisions of this Act relating to unlawful damage where that person is liable to a civil action or proceeding or to a fine or any other punishment under an enactment;

- a) In respect of the doing of the act causing an event or
- b) In respect of the consequences of the act or event
- c) In which that person would be so liable if that person caused the event by a personal act, or
- d) In which that person is liable to be restrained by injunction or any other proceeding from doing the act or causing the event. In the case of *Homenya v. the Republic* [1992] 2 GLR 305-319 the Court per Acquah J (as he then was) held that "An Accused can only be liable on

a charge of unlawful damage to property under Section 172 (1) of the Criminal code 1960, Act 29 where the prosecution was able to establish that Page 4 of 7 the Accused caused the damage intentionally but also that the damage was caused unlawfully”. Thus to satisfy the Court for conviction prosecution must lead evidence to establish that the damage caused was

1. Intentional and
2. Unlawful. It is the case of the investigator that one Ahmed Yussif a security officer working at Ofankor Anglican School was on duty when he spotted the Accused Person carrying the showcase on his head and so he went into hiding to see what the Accused Person wanted to do. A few minutes later, the witness Ahmed heard the Accused Person smashing the showcase on the ground breaking all the glasses. He rushed to the scene and met the Accused Person removing the aluminum frames from the debris and so he confronted and asked him why he caused damage to the glass show case but the Accused Person could not explain and so he arrested the Accused person and sent him to the police station. The Complainant PW1 testified that she had a call from one Sarpong who is a security man at the Anglican Basic School at Ofankor to the effect that she should report at the police station and when she asked why, she was informed that her showcase glass which she used to sell the food had been stolen and so when she got there she realized that her show case glass which is valued at GH¢1,000 has been stolen. The Accused Person in his caution statement taken on the 6th July, 2025, stated that on the said date he spotted the aluminum structure showcase in a nearby bush and since there was no glass on it he took it so he could sell it since he also sold scraps for a living. In his Page 5 of 7 defence he again sated he went around looking for scraps that morning and realized that the show case was broken and there was dust on it. During cross-examination when he was asked; Q: I am putting it to you that you stole the show case glass and intentionally caused damaged to the glass just for you to take the aluminum frames is that not so. A: No my Lady. That was how I found it. The prosecution failed to call the said Sarpong who called the Complainant to go the police station. Neither did they call the said Ahmed Yussif the security officer working at the Ofankor Anglican School who saw the Accused Person carrying the showcase and who also saw the Accused Person smashing the show case on the ground breaking all the glasses and who also saw the Accused Person removing the aluminum frames from the debris to testify on their behalf but relied on the testimony of the Complainant and the investigator who were not present at the time when the said offence was committed. After considering the total evidence adduced by the Parties in this case, the Court hereby holds that the prosecution has failed to prove the guilt of the Accused Person beyond reasonable doubt on count two, causing unlawful damage contrary Section 172 (1) (b) of the Criminal Offences Act 1960 Act 29. Accordingly, the Court hereby discharges the Accused Person on that count. On count one, the Accused Person pleaded guilty simpliciter and was convicted but sentencing deferred on count one. The Court in sentencing the Accused Person has taken into consideration his age mitigation plea and the total number of days he has spent in lawful custody. The Court hereby sentences the Accused Person to 365 days imprisonment

on count one. Page 6 of 7 H/W NANCY T. SEARYOH (MRS) MAGISTRATE ACCUSED PERSON
PRESENT C/INSPECTOR ISAAC ABOAGGYE FOR THE PROSECUTION PRESENT NO LEGAL
REPRESENTATION Page 7 of 7

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/judgments/all/2025/?alphabet=r>

CASE PAGE <https://chat.esheria.ai/case-law/ghana/stealing-district-court-2025--6a3ea50a3b1caa91298052d8>

Prepared on 27 October 2026 · Esheria