

GHANA / JUDGMENT

THE REPUBLIC VS EMMANUEL MENSAH (D4/02/2024) [2024] GHACC 128 (20 February 2024)

COURT
ghaccDECIDED
20 February 2024

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BEFORE HER HONOUR NANA ADWOA SERWAA DUA-ADONTENG, JUDGE SITTING AT AKROPONG CIRCUIT COURT AT 20TH FEBRUARY, 2024. CASE NO: D4/02/2024 THE REPUBLIC VERSUS EMMANUEL MENSAH FINAL JUDGEMENT Prosecution Represented by: Detective Inspector Alexander Agbekpornu Accused Person is self-represented. CHARGE For that about three weeks ago at Abuakwa in the Ashanti Region and within the jurisdiction of this court, did steal one Nokia C-21 mobile phone valued Ghs1,200 the property of one Joyce Anorkyewaa. PLEA The court explained the charge to the accused person in English and the same was interpreted to him in Twi, his language of choice. The court prior to taking the accused's plea explained the various pleas available to him and the consequence of taking each plea. The accused person pleaded Guilty Simpliciter.

FACTS

The complainant, Joyce Anorkyewaa is a Seamstress staying at Abuakwa Manhyia whereas accused Emmanuel Mensah is a mason and reside at Akropong. About three weeks ago, complainant went to town at Kumasi to buy some sewing materials for her job and on her return to the shop at Abuakwa she left her purse containing Nokia C-21 mobile phone valued at Ghs1,200 and cash Ghs35 in the TD urvan mini bus she boarded. Accused got hold of the phone but refused to return it to complainant upon several calls received in request for the phone. Accused later disposed of the phone and inserted the sim card into his phone which he used as his personal line. Whenever complainant called her line, accused claimed the line belonged to him. In order to get accused arrested, the complainant arranged with one of her apprentices, a witness in this case, who called the accused and feigned she fell in love with him. She suggested that accused should know her house at Abuakwa for him to visit her house and he was arrested by police. A search conducted on accused and complainant's sim card was retrieved. After investigations he was charged with the offence before this honourable court. CONVICTION ON OWN PLEA COP) Having pleaded Guilty Simpliciter, the Accused person is convicted on His Own Plea for stealing. PRIOR CONVICTION No evidence was presented to the court that the Accused Person has any prior criminal conviction. PLEA OF MITIGATION The court inquired of the Accused Person to

allocute for the offence he had been found guilty and convicted. 'I plead for mercy. It was not my intention to do what I did.' PRE-SENTENCING PROCEDURE Time spent in custody: Accused Person was arrested on 16/02/2024 and presented before court on 19/02/2024 Value of property stolen: Mobile phone valued at Ghs1,200. Only the sim card was received and it is in the custody of the police to be released to its owner. The court inquired from the prosecutor if the property received was in good condition. Prosecutor told the court that it was. SENTENCE Having considered all factors above, particularly the time spent by Accused in lawful custody, accused person is sentenced to 4 months in prison, and the sim card is to be released to its owner the complainant. H/H. NANA ADWOA SERWAA DUA-ADONTENG (CIRCUIT COURT JUDGE)

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