

GHANA / JUDGMENT

THE REPUBLIC V AMADU (D7/110/2025)

[2025] GHACC 38 (10 January 2025)

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COURT

Circuit Court

CASE / FILE NUMBER

D7/110/2025

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IN THE CIRCUIT COURT, OFFINSO, ASHANTI REGION, HELD ON FRIDAY 10TH JANUARY 2025, BEFORE HIS HONOUR PAUL ODURO ESQ. CIRCUIT COURT JUDGE CC NO. D7/110/2025 THE REPUBLIC VRS ELLIASU AMADU

JUDGMENT

Introduction

The accused person was arraigned before this Honourable Court on three counts of offences:

- 1) Unlawful entry contrary to section 152 of the Criminal Offences Act, 1960 (Act 29).
- 2) Causing damage contrary to section 172 of the Criminal Offences Act, 1960 (Act 29).
- 3) Stealing contrary to section 124 (1) of the Criminal Offences Act, 1960 (Act 29). The accused pleaded guilty to the charges, and he was convicted on his own plea. His sentencing was deferred to 10th January 2025. Brief facts of the case The brief material facts of the case as presented by the prosecution are as follows: The complainant, Daniel Opoku Boateng who is an auto mechanic lives in Afrancho while the accused person Elliasu Amadu, a scrab dealer also lives in Aboabu, Kumasi. On 10th August 2024 about 10:30 a.m., the accused together with suspects Mubarak Abass, Abubakari Zakaria and Shaibu Fatawu went to the complainant's house at Bomsu near Kodie and caused damage to his burglar-proof valued at GhC 600.00. They also stole a quantity of electrical cables and air conditioning pipes valued at GHc 96, 500.00. A neighbour who is also a witness raised an alarm and the accused who allegedly sent his accomplices to the complainant's house escaped but his accomplices were arrested and handed over to the Kodie police. The accomplices are currently on remand facing trial at Kodie Magistrate Court. On 19th December 2024 about 11:00 a.m., the youth of Aboabo arrested the accused from his hideout and handed him over to the Kodie police for investigation and he is now arraigned before this Honourable Court. As regards the length of sentence, the factors which a court should necessarily take into consideration as formulated in Kwashie vrs the Republic (1971) 1 GLR 488 are as follows: i) ii) iii) iv) The intrinsic

seriousness of the offence. The degree of revulsion felt by law-abiding citizens of the society for the particular crime. The premeditation with which the criminal plan was executed. The prevalence of the crime within the particular locality where the offence took place, or in the country generally. v) The sudden increase in the incidence of the particular crime, and vi) The mitigating or aggravating circumstances such as the extreme youth, good character and the violent manner in which the offence was committed. In passing the sentence, the court has taken the plea of mitigation by the accused person and the plea of aggravation by the Prosecution into consideration. The court notes that the accused person is a first-time offender and he is also youthful. The Court also notes that the offences committed by the accused person have become prevalent within the jurisdiction of this Court and there is a need for same to be curtailed. In light of the foregoing, the accused person is sentenced to six (6) months imprisonment on count one (1) which is unlawful entry. On count two (2), which is causing damage, the accused person is sentenced to six (6) months imprisonment. On count three (3), which is stealing, the accused person is sentenced to four (4) years imprisonment IHL. The accused is further ordered to pay the sum of Ghc 2, 000.00 to the complainant which is reasonable compensation for the damage the accused person caused to his burglar-proof. All the sentences shall be concurrent. The purpose of the sentence is to reform the accused person. SGD PAUL ODURO (CIRCUIT COURT JUDGE) Accused person - present. Chief Inspector Larbik for Prosecution – present. 3

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