

THE BOARD OF LEGAL EDUCATION
GHANA SCHOOL OF LAW

PROFESSIONAL LAW EXAMINATION PART 1
20TH JUNE 2005

CRIMINAL PROCEDURE

TIME ALLOWED: THREE 3 HOURS

9:30-12:30pm

1. Read the instructions carefully before answering
 2. Answer Question One (1) and Any other three
 3. Do not write your name on your answer book but write your seat number or index number on it and on every extra sheet you used for your answers:
 4. Credit will be given to legible handwriting, clarity of expression and orderly presentation of material.
 5. Adhere strictly to the instructions on the front cover of your Answer Booklet
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QUESTION 1

Charles Silver was the accountant of Moyoyo Company Ltd; producers of aluminum Roofing sheets, based at Apremdu Takoradi. His duties included the paying of monies received on behalf of the company into the accounts of the Company at UNIVERSAL BANK also at Takoradi.

On the 19th of January 2004, Charles Silver went to the Universal Bank to pay in the sum of ₵360,000,000 into the Company's accounts. He however struck a deal with the Receiving cashier, Raymond Nash at the Universal Bank.

By this deal, Charles Silver paid into the Bank, only ₵300,000,000, but the original and triplicate copies of the Pay-In slip no 700027, which would be retained by him for accounting purposes bore the actual amount of ₵360,000,000, which he was to have paid.

The duplicate copy of the Pay-In slip 700027 kept by the Bank however showed that only ₵300,000,000 had been credited into the account of the Company. Charles Silver prepared the Pay-In slip 700027 while Ray Nash stamped all the copies with the Bank's stamp.

On the 23rd of March 2004 Charles Silver again went to the Bank to pay in monies collected on behalf of the Company. This time, he had ₦790,000,000, but paid in only ₦700,000,000. He prepared pay-in slip no 700028 showing ₦790,000,000 on the original and triplicate, while the duplicate showed ₦700,000,000. Again Raymond Nash stamped all the copies of the Pay-In slips with the Bank's stamp. For his co-operation on those two occasions Raymond Nash received a cash donation of ₦20,000,000 from Charles Silver.

On the 9th of June 2004, Charles Silver went to pay in the sum of ₦900,000,000. Again he prepared a Pay-In slip no 700087, which showed on the original and triplicate that he had paid this amount into the Company's account. But on the duplicate copy retained by the Bank, the Pay-In slip showed that only ₦800,000,000 had been credited to the Company's account. Raymond Nash received another Cash donation of ₦5,000,000 from Charles Silver

The Internal Auditor Kojo Best who could have exposed this fraud through Bank reconciliation failed to do so, because he also received a Cash donation of ₦5,000,000 from Charles Silver. During an external audit in Dec.2004 the deal was detected.

Prepare a Charge Sheet indicating who should be prosecuted, the charges to be preferred and the Court where the case should be prosecuted.

QUESTION 2

KARL BASS was charged with the murder of a colleague during a football match. The committal proceedings have all been completed and he is now put before the High Court in Accra.

Describe the trial in detail from this moment up to the time the jury would return their verdict.

QUESTION 3

Trial with a Jury and trial with the aid of assessors are the same.

Discuss

QUESTION 4

Some persons are planning to disrupt the installation of a Safo hene within the Cape Coast Municipality.

This information has been made available to you, as the Magistrate within whose jurisdiction the installation is going to take place.

What steps would you take?

Describe the procedure.

QUESTION 5

Write short Notes on four (4) of the following:

- (a) NOLLE PROSEQUI
- (b) BAIL
- (c) AUTREFOIS CONVICT, AUTREFOIS ACQUIT
- (d) STATUTORY STATEMENT
- (e) CHALLENGE FOR CAUSE
- (f) CONCURRENT SENTENCE

QUESTION 6

Kwesi Atta was charged with unnatural carnal knowledge of Ato Kwamina aged 17, under section 104 of Act 29, 1960. He was put before the Circuit Court at Tema

When the charges were read to him, he pleaded guilty. The Prosecutor then gave the facts of the case that Kwesi Atta was caught in the act by the father of the victim.

When the Circuit Judge asked Kwesi Atta if he had anything to say about the facts as narrated by the Prosecutor, he replied:

" It is true Ato was seen in my room; His father came to see him in my room."

The Judge convicted and sentenced him to 5 years I.H.L.

Two months after his conviction, Kwesi Atta wants to appeal against his conviction and sentence.

As Counsel for Kwesi Atta what should be the first steps to take?

Indicate where you would file your appeal and briefly argue your grounds of appeal

QUESTION 7

Maame Kate aged 36 slashed one Efuah Akun aged 26, with a razor blade on the right and left cheeks at Koforidua. Maame Kate was charged with causing harm to Efuah Akun under Section 69 of Act 29 1960 and put before the Circuit Court at Koforidua. She pleaded guilty to the charge and was convicted and sentenced to 3 months I.H.L.

The Prosecution have appealed to the High Court against the conviction and sentence

- (a) What should be the proper charge and the mode of trial
- (b) What would be the outcome of the appeal? Give reasons for your answer.