

THE BOARD OF LEGAL EDUCATION
GHANA SCHOOL OF LAW, ACCRA
PROFESSIONAL LAW COURSE PART I EXAMINATION
CRIMINAL PROCEDURE

FRIDAY 22ND JUNE 2007

TIME ALLOWED: THREE 3 HOURS

9:30 to 12:30pm

INSTRUCTIONS TO CANDIDATES

1. Read these instructions very carefully before beginning your answers
2. Answer Question I and THREE OTHERS
3. Do not write your name on your Answer Book, but write your seat or Index number on it and on every extra papers you used
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 of your answer booklet

QUESTION I

The officer in Charge of the Supply Depot of SEKONDI FLOUR MILLS was MARK JONES. His Schedule was to supply the Distributors of the company with their allocations of flour on the presentation by the Distributors of official company's receipts showing that they had paid for the products to be supplied.

Mark Jones would then issue a waybill, which is in duplicate, to cover the products supplied. This would then be entered in the store ledger for accounting purposes. The security Man at the gate would also check the waybill with the quantity actually supplied.

On the 14th of Feb 2006, Kwesi Thomas, one of the Distributors paid for 900 bags of flour at ₵400,000 a bag amounting to ₵360,000,000=

Mark Jones issued him with a waybill no B.775500 showing 900 bags of flour supplied.

However Mark Jones supplied him with 1200 bags of flour, but altered the Duplicate Waybill to read 1200. He then instructed kwesi Thomas to send the additional 300 bags to MAKEBA BAKERY at TANOKROM, operated by one SOLO SANTANA who would buy the consignment at ₵300,000 a bag. Kwesi Thomas should take ₵10,000,000 out of the amount and he Mark Jones would collect the balance later in the evening. This was done accordingly.

Then on the 16th of March 2006 another Distributor, Kojo Ababio paid for 800 bags of flour at ₵400,000. a bag amounting to ₵320,000,000. Mark Jones issued Waybill no 776000 of 16/3/2006 to cover the consignment. But he supplied 1000 bags to Kojo Ababio and altered the duplicate waybill to read 1000 bags of flour.

Mark Jones then asked Kojo Ababio to send the additional 200 bags to Frank Mensah Proprietor of Avenue BAKERY at Ekuase who would pay ₵300,000 a bag for the consignment. Mark Jones further instructed Ababio to take ₵10,000,000 out of the amount and keep the balance for his collection later. The operation was duly carried out. For easy passage through the Security gates, Mark Jones gave the Security man by name AGABUS, ₵10,000,000 on each occasion when they had to do an operation.

An Audit Inspection at the end of year revealed the shortages, and a report was made to the Police.

After investigations, Mark Jones was arrested. He mentioned the names of the other suspects and they were arrested.

Draft a Charge sheet indicating who should be charged and with what offence

QUESTION 2

In a fit of anger, Araba Jane poured a Jerrican of Petrol on her husband Nana Ohene and set him a blaze, on the 20th of June 2006 at Saltpond in the Central Region. Nana Ohene died shortly after admission to the hospital on 22/6/06

- (a) What should be the charge against Araba Jane?
- (b) After Committal proceedings Jane was put before the High Court

Give a comprehensive procedure of the trial from the moment she is brought to the High Court, up to the time the Court will give judgement.

QUESTION 3

A JUROR and an Assessor are the same, because they are all drawn from the same list.

- (a) Do you agree? Why?
- (b) Discuss the distinguishing features between a trial with a jury and a trial with the aid of assessors.

QUESTION 4

Abiw Andoh was an Accountant with the Controller And Accountant General Dept Accra. In July 2006 he unlawfully and illegally transferred the sum of ₵708,000,000 into his own accounts with the Trust Bank. When he went to make a withdrawal at the Bank in August 2006, he was arrested and charged with Stealing.

Describe the Prosecution of this Case before the Court of Competent Jurisdiction.

QUESTION 5

James Annobil was Charged with unlawful entry with intent to steal under Section 152 of Act 29, 1960. When the Charges were read to him at the District Court, he pleaded guilty, but added that he did not intend to steal.

The Magistrate Convicted him on his plea and Sentenced him to 4yrs I.H.L, saying that stealing has become too rampant in the Country and a deterrent sentence must be imposed.

After serving 2 months of the Sentence James Annobil wants you to File an appeal on his behalf.

- (a) What would you appeal against and in which Court?
- (b) How many days do you have within which to file his appeal?
- (c) What steps would you take since the time had elapsed?
- (d) Briefly state your grounds of appeal and arguments.

QUESTION 6

Briefly write notes on 4 of the following

- (a) INTERROGATORIES
- (b) CHALLENGE FOR CAUSE
- (c) STATUTORY STATEMENT
- (d) NOLLE PROSEQUI
- (e) CONSECUTIVE SENTENCE
- (f) SEARCH WARRANT

QUESTION 4

Joe Abeiku was charged with the murder of Araba Eson his wife in July 2007. He was put before the High Court in Accra after committal proceedings. During the empanelling of the jury, the accused Joe Abeiku rejected three of the Jurors and they all stepped down. He still intends to challenge other Jurors as well .

Describe the procedure from that stage up to the time the Jury would return their verdict.

QUESTION 5

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

- (a) INTERROGATORIES.
- (b) CHALLENGE FOR CAUSE
- (c) NOLLE PROSEQUI
- (d) BAIL
- (e) STATUTORY STATEMENT
- (f) AUTREFOIS ACQUIT OR CONVICT

QUESTION 6

Under section 25 of the Juvenile Justice Act 653 of 2003 the Court shall decide, after the consideration of the social enquiry report, whether the Juvenile charged with the offence should be diverted from the Criminal Justice system with or without condition.

What is the purpose of the Diversion?