

THE BOARD OF LEGAL EDUCATION
GHANA SCHOOL OF LAW, ACCRA.

PROFESSIONAL LAW EXAMINATION PART I
FRIDAY 20TH JUNE 2008

CRIMINAL PROCEDURE

TIME ALLOWED: THREE 3 HOURS

9:30-12:30pm

INSTRUCTIONS TO CANDIDATES

1. READ THE INSTRUCTIONS CAREFULLY BEFORE BEGINNING YOUR ANSWERS
2. ANSWER QUESTION ONE (1) AND THREE OTHERS
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. PLEASE WRITE LEGIBLY, CREDIT WILL BE GIVEN FOR CLARITY OF EXPRESSION AND ORDERLY PRESENTATION.

QUESTION 1

Kwaku Mensah was the Officer in charge of Supplies at Alluminium Products Ltd. Tema. The Company produces roofing sheets and other building materials. Kwaku Mensah was responsible for supplying the company's Key Distributors with their allocations on the presentation of a payment receipt by the Distributors that he or she had paid the cost of the products to the Company's Cashier.

Kwaku Mensah would then supply the Distributor with the products which have been paid for and issue a waybill to cover the goods supplied. He would then enter the quantity shown on the waybill into his ledger books.

The Security at the Gate would also check the waybill presented by the Distributor with the quantity of the goods supplied.

On the 17th of April 2007 one Charles Allan paid for 1000 Alluminium Roofing Sheets at Gh40.00 per sheet amounting to Gh 40,000. The sheets were supplied on waybill no 0079577 of 17.4 2007. However on the duplicate waybill no 0079577 retained for accounting purposes by the Company, Kwaku Mensah altered the figure to read 1100 roofing sheets.

When the roofing sheets bought Charles Allan were being loaded on to the vehicle, Kwaku Mensah added an extra 200 roofing sheets and asked Allan to send them to one Victor Cofie at the Timber market at Tema, who would buy them at Gh 30.00 per sheet. Charles was instructed to take Gh 500.00 out of the amount and Kwaku would collect the balance later.

Kwaku Mensah also arranged with George Addo the Security man at the Gate, to allow the vehicle loaded to pass through without examination. For this assistance George Addo received Gh 500.00 from Kwaku Mensah.

Charles Allan completed the transaction and Kwaku Mensah collected the balance that evening.

On the 10th June 2007 another Distributor, Ernest Ababio also paid for 2000 roofing sheets at Gh 40.00 a sheet, amounting to Gh 80,000.

The Sheets were supplied on waybill 0079644. Once again Kwaku Mensah altered the duplicate copy of the waybill 0079644 to read 2200 roofing sheets. When the supplies were being loaded for Ernest Ababio, Kwaku Mensah added 200 extra roofing sheets and requested Ernest to send the extra 200 sheets to one Yaw Ofori also at the Timber Market, Tema who would purchase them at Gh 30.00 per sheet. Ernest was instructed to take Gh 500.00 out of the amount and hand over the balance to Kwaku Mensah later in the day. Once again the Security man at the Gate George Addo was given Gh500.00 to allow the vehicle to pass through without examination.

An Audit inspection later in the year revealed the shortage and Kwaku Mensah was arrested. He mentioned the other suspects and they were also arrested.

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

QUESTION 2

Kweku Thomas is a dealer and Supplier of Computers and accessories. In August 2004 he represented to one Kwesi Dade, proprietor of Dadeban ventures, that he could supply him with 50 flat screen Computers at Gh 300 each. As a result of this representation, he obtained the sum of Gh 15000 from Kwesi Dade. Kweku Thomas was not seen again till 2006 when he was arrested at Cape Coast.

- (a) What offence has he committed?
- (b) What should be the mode of Trial?
- (c) Describe the prosecution of this case before the appropriate Court

QUESTION 3

In a trial with a Jury, the Jury returns a verdict, while in the trial with the aid of Assessors, the assessors give their opinion.

- (a) Which offences are triable with a Jury?
- (b) What are the distinguishing features of a trial with a Jury and a trial with assessors?

Question 4

Can it be said that the only distinction between a trial with a jury and a trial with the aid of Assessors is that the Jury delivers a verdict while the assessors give an Opinion? Discuss.

Question 5

- (a) What is evidence on Commission?
- (b) Which Court have jurisdiction to authorize the taking of evidence on Commission?
- (c) Give a comprehensive description of the Procedure

Question 6

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

- (a) Summons.
- (b) Concurrent and Consecutive Sentences.
- (c) ATTORNEY GENERAL
- (d) BAIL
- (e) INTERROGATORIES
- (f) COMMITTAL PROCEEDINGS

Question 7

In a murder trial before the High Court at Tamale, the Court is about to empanel a jury, to try the accused Ahmed Abbass Charged with killing one Baba Andoh.

Describe the procedure up to the time the jury would deliver their verdict.