

THE BOARD OF LEGAL EDUCATION
GHANA SCHOOL OF LAW, ACCRA

PROFESSIONAL LAW COURSE PART 1 EXAMINATION
CRIMINAL PROCEDURE

24TH JUNE 2010

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.

Question 1

TUSCON GOLD MINING COMPANY, operating in PRESTEA in the Western Region, employs labourers for surface mining. The daily attendance of the labourers is marked on a LABOUR SHEET, which is then used to prepare the relevant payment voucher for the payment of their monthly wages.

The Schedules officer responsible for the daily marking of the LABOUR SHEET was Atta Allan. After preparing the Labour Sheet Atta Allan would then present it to the Accountant, Myles Cofie for approval. After approval, the Accountant would then instruct the Cashier Kwesi Jones to prepare a Payment voucher for the payment of the workers wages for the month.

In March 2005 Atta Allan added 50 ghost names to the Labour Sheet no 00051 to indicate that 250 labourers were employed during the period, when in deed only 200 labourers were engaged.

He presented the Labour Sheet to the Accountant and told him what he had done. The Accountant agreed to take part in the deal, and instructed the Cashier, Kwesi Jones to prepare payment voucher no 06161 to pay 250 labourers GH 400, each for the month of March.

The Cashier after paying the 200 labourers, brought the wages for the 50 ghost workers to the Accountant who gave him GH1000. The rest of the proceeds was shared later between Allan and Myles.

In April 2009, Allan presented Labour Sheet no 00071 for 300 labourers when only 200 were employed. Again the Accountant instructed the Cashier to prepare Payment voucher no 07007 to pay 300 Labourers GH 400 each.

The wages for the 100 ghost names were collected by the Cashier and sent to the Accountant. Again the Cashier received GH 1000 for the work done, while Allan and Myles shared the rest of the proceeds.

In May 2009 Atta Allan presented a Labour Sheet no 00094 for 350 Labourers when only 200 Labourers were engaged. The Accountant again instructed the Cashier to prepare Payment voucher no 7587 to pay 350 Labourers, GH 400 each.

The Managing Director of the Company James SAAD alarmed by the increase in the wage bill insisted on being present to witness the payments. The Fraudulent deal was then uncovered. The matter was handed over to the Police, and the Cashier was arrested. During investigations he mentioned the Accountant.

Draft a charge Sheet indicating what offences have been Committed and by whom.

Question 2

Abieku SANTANA aged 40 and his young friend Ferdinand, aged 15, went to NORVI Supermarket at Osu and stole two Digital Cameras valued at GH 2500 each. They sold them to one Storekeeper at Oxford Street, Osu by name Yaw Ofose, for GH 500 each, and shared the proceeds. They were subsequently arrested and charged with stealing. Investigations led to the arrest of Yaw Ofose. He was charged with receiving stolen goods. They were all put before the Circuit Court at Accra for Stealing and Receiving

Describe the trial and indicate how Ferdinand should be treated and dealt with if found guilty.

Question 3

Anane Wellington was charged with the murder of Owura Ampah in Dec. 2009 at Sekondi. The case has been Committed for trial before the High Court at Sekondi. On arraignment before the High Court Anane pleaded not guilty.

Describe the procedure from then on, until the Jury will return their verdict.

Question 5

Write short notes on the following:

- (a) Circumstances when a court may order that a company be wound up (5)
- (b) Expert's consent (section 278 of the Code) (5)
- (c) Proceedings after investigations (section 225 of the Code) (5)
- (d) Definition of "Members" (5)

Question 6

- (a) How, if at all, does the *Companies Code*, 1963 (Act 179) protect the general public, in particular investors in and creditors of companies? (10)
- (b) "The Code is not concerned with the internal auditor". Discuss (10)