

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

**PROFESSIONAL LAW COURSE PART 1 EXAMINATION**  
**CRIMINAL PROCEDURE**

JUNE 14, 2011

TIME ALLOWED: THREE 3 HOURS

11:00-2:00 P.M.

1. Read the instructions carefully before answering.
2. Answer Question One (1) (a) or (b) 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 for 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**

A.

The Procurement Officer of the Takoradi Ports Authority BEN AMANDO purchased a heavy Duty Generator from the Swiss Trading Company Takoradi, on the 12<sup>th</sup> of October 2010, for the price of GHC50,000.00. He obtained a receipt No. ST 0007482 dated 12/10/10 from the company's store keeper, Mr. Kweku Adams, for the purchase.

However when BEN AMANDO returned to the office, he managed to alter the price on the receipt to read GHC150,000.00. He then informed the Cashier of the Ports Authority, Tommy Short, of what he has done and asked him to join him. Tommy agreed to co-operate for a quarter of the proceeds to be realised from the deal.

The two of them, then went and solicited the assistance of the Internal Auditor, Kwamina Steve, to cover their tracks and he also agreed to cooperate for a quarter of the proceeds to be realised from the deal.

In December 2010, Ben Amando again made a purchase from the same Company. This time he purchased a FORK LIFT for GHC60,000.00. He was issued with the Company's receipt No. ST 0008500 dated 14/12/10. Ben managed to alter the price on the receipt to read GHC160,000.00. He informed the cashier, Tommy, about the deal and he agreed to come on board for a quarter share of the proceeds. The Internal Auditor also agreed to co-operate, for the same consideration.

14<sup>th</sup> December 2010  
Receipt No. 0008500

60,000  
read 160,000

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*Ben Amando  
Tommy Short  
Kwamina Steve  
12th Oct. 2010  
Ben Amando  
(Procurement Officer)  
at Swiss Trading Co.  
Takoradi  
Receipt No. ST 0007482  
Kwamina Steve  
14th Dec 2010  
Receipt No. 0008500  
Ben Amando  
Tommy Short  
Kwamina Steve  
December 2010  
amt. 60,000  
Receipt No. ST 0008500*



The external Auditor Mr. Kankam however was not happy with the prices of the Generator and the Fork Lift and so went to verify the prices at the Swiss Trading Company. The fraud was then detected and all the three were arrested.

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

(40 marks)

OR

B.

On the morning of 3/10/2001, following a complaint of Assault and Threatening lodged against Alhasah Dogo by Yaa Baby his ex-girlfriend at Abuakwa Police Station in the Ashanti Region, Kwasi Barimah, an ex-Police Sergeant went out with Yaa Baby to arrest Alhasan Dogo at Sepaase/Ashanti where he was met outside his house. Alhasan Dogo on being invited by Kwasi Barimah to accompany him to the Police Station for investigation into the complaint lodged against him, requested Kwasi Barimah to take him to his house to change his clothes. Kwasi Barimah agreed but when Alhasan Dogo entered his room, he locked the door up and told Kwasi Barimah to effect his arrest if he felt he was a man. Kwasi Barimah at this stage sent Yaa Baby back to the Abuakwa Police Station for more men and whilst she was away, Alhasan Dogo opened the door and when Kwasi Barimah went into the room to effect the arrest, Alhasan Dogo struggled with Kwasi Barimah during which he hit Kwasi Barimah on the forehead with a hammer. Kwasi Barimah raised an alarm and called for help, but when one Kwame Poku went forward to help Kwasi Barimah, Alhasan Dogo hit him at the back of the head with an iron. However, Alhasan Dogo was overpowered and taken to the Abuakwa Police Station. Kwasi Barimah was later admitted to the Komfo Anokye Teaching Hospital as a result of the head injury but he died on 07/10/2001 whilst on admission.

Draft a charge sheet indicating what offences have been committed and by whom?

(40 marks)

Question 2 /

WRITE SHORT NOTES ON ANY FOUR (4) OF THE FOLLOWING

- ✓ (a) CHALLENGE FOR CAUSE
- ✓ (b) SUMMARY OF EVIDENCE
- ✓ (c) AUTREFOIS ACQUIT OR CONVICT
- (d) BAIL
- ✓ (e) FOREMAN OF THE JURY
- ✓ (f) NOLLE PROSEQUI
- (g) SUMMING UP.

*R v. Tawiah  
R v. Thompson  
R v. Aggrey*

(20 marks)

Question 3

- (a) What offences are triable by a Judge and a Jury?



- (b) Give a Comprehensive description of a trial by a jury, beginning from the time the accused person is arraigned before the High Court to the time the Jury deliver their verdict.

(20 marks)

#### Question 4

Arthur Sydney collected the sum of GHC50,000.00 from Arnold Batman in April 2010 at Osu, to supply him with 2,000 bags of sugar. Arthur Sydney was not seen again until December 2010 when he was arrested at Axim in the Western Region. He was charged with fraud.

- (a) What should be the mode of trial?  
(b) Give a detailed procedure of the trial before the Circuit Court.

*Summary*

(20 marks)

#### Question 5

Nana Carlos and Matey Jones had a dispute over some business transaction in January 2010 which resulted in a fight during which Jones stabbed Carlos in the shoulder with a knife.

Jones was subsequently arraigned before the District Court in Accra, on a charge of causing harm under Section 69 of Act 29/60.

He was tried and convicted by the Court and sentenced to 3 months IHL. Meanwhile Carlos who had been admitted to Korle Bu Hospital since the incident died of the injuries in April 2010. The Post Mortem indicated that he died as a result of the stab wound.

Can Jones be tried again for any offence after he had served the 3 months imprisonment?

- (a) If Yes, for what offence? And why?  
If No, why not? DISCUSS.  
(b) Describe briefly the procedure before any case on indictment is brought to the High Court.

(20 marks)

#### Question 6

A.

- (i) Kwesi Atta is a boy of 15 years. He was arrested at Tema on the 17<sup>th</sup> of Sept. 2010 for breaking into a store and stealing a laptop. He was put before the Juvenile Court at Tema on the 20<sup>th</sup> of Sept. 2010 on a charge of stealing.

He was granted bail by the Juvenile Court on the same day. The case has been pending before the Court up to the month of April 2011.

As Counsel for Kwesi Atta, what would be your line of action? Discuss?

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*gollata-  
Noku  
Bun an.*

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- (ii) Where the Juvenile Court has found the Juvenile guilty of the offence of Causing damage, what are the methods of dealing with the Juvenile? (20 marks)

OR

B.

- (i) On 18/2/2010 a final year student at Nkawie Senior High School in the Ashanti Region was charged with Two Counts of UNLAWFUL ENTRY and STEALING and was convicted on evidence and sentenced to six (6) months I.H.L. on each count, sentences to run concurrently,

The student is a first offender and his final examinations start in April 2010. The parents of the student have consulted you to appeal against both conviction and sentence and have pleaded with you to secure bail for the student to enable him take part in the impending examination.

What should be the content of the AFFIDAVIT in support of the Application for bail?

Draft the said affidavit.

- (ii) What are the principles governing the grant of Bail pending trial? (20 marks)

#### Question 7

- (a) 'A Jury trial is not different from a trial with the aid of assessors'  
Do you agree? Discuss.

OR

- (b) A person accused of committing a crime may be tried either Summarily or upon Indictment. Indicate briefly and concisely the marked differences between Summary trial and trial on Indictment.

(20 marks)

#### Question 8

- (a) After the trial and conviction of an accused person, the Court may, before passing sentence, receive evidence it considers fit, in order to inform itself as to the proper sentence to be passed.

Indicate the factors which must be taken into consideration in passing sentence upon an accused who has five (5) previous or more convictions.

- (b) What are the legal implications for an order that sentences passed on an accused person should run concurrently?

(20 marks)



## SUMMARISED BALANCE SHEET, PAT B. SALOON

	£	£	£	£
Land and building	680,000		CAPITAL	
Equipment	450,000		Patience	850,000
Business Car	790,000		Alice	640,000
		1,920,000	Tina	1,860,000
Stock	150,000			
Debtors	180,000		LOAN ACCOUNT	
Bank	70,000	400,000	Patience	300,000
			Creditors	160,000
	2,320,000	2,320,000		2,320,000

On 31st March, 2001 the partners held a special meeting at which it was agreed to explore the possibilities either of amalgamating with another firm (ie CAB BEAUTY SALOON) or alternatively, of admitting two new partners. It was decided, before taking any active steps, that certain adjustments would be made in the composition of the balance Sheet set out above, and in the value attached to a number of the items. These adjustments were as follows:

- The value of the Land and Building should be increased to £720,000 and that of equipment be reduced to £430,000.
- The value of the Business Car is to be increased to £870,000.
- The stock should be reduced by £10,000 in respect of all old unsaleable items.
- Debtors should be reduced to £160,000.

Prepare:

- The Revaluation Account;
- The Partners' Capital Accounts;
- A revised Balance Sheet of PAT BEAUTY SALOON as at 31st March, 2001 before incorporating all the above mentioned decisions.

(25 marks).

# TRIAL BALANCE AS AT 31/12/2000

Stock at 1st January 2001	460,000	
Purchases	1,500,000	
Cash in hand	34,000	
Purchases Returns		6,000
Bank Balance	226,600	
Freehold Premises	386,000	
General Expenses	16,400	
Provision for Doubtful Debts	35,000	
Sundry Debtors	360,000	
Sundry Creditors		296,700
Salaries and Wages	290,000	
Capital		949,000
Discount Allowed	63,000	
Sales		20,89,300
Rents, Rates and Insurance	40,000	
	<u>3,376,000</u>	<u>276,000</u>

Before preparing the accounts make the following adjustments:-

- (i) Provision for Doubtful Debts to be increased to £50,000
- (ii) Provide for Rent accrued due £15,000
- (iii) Write off depreciation at 5% on Freehold Premises
- (iv) Insurance to the amount of £2,000 relates to the year 2001
- (v) Stock at 31st December, 2000 is valued £520,000.

(25 marks).

## Question 6

Patience, Alice and Tina were in Partnership called PAT BEAUTY SALOON sharing profits and losses in the ratio 5:3:2 respectively. A summary of the firm's Balance Sheet as at 31st March 2001 was as follows:



Question 7

Mr X and Y were partners sharing Profits and Losses in the ratio:

M & X, three-fifths; Mr Y, two-fifths.

It was agreed that Mr Z should be admitted to the Partnership. The Balance Sheet before Mr Z's admission was as follows:

BALANCE SHEET, MR X & MR Y

		Capital Accounts	
Premises	3,600,000	Mr X	6,780,000
Fixtures	950,000	Mr Y	4,520,000
Motor Van	5,400,000		11,300,000
Stock	2,150,000		
Debtors	3,200,000	Creditors	4,890,000
Bank	890,000		
	<u>16,190,000</u>		<u>16,190,000</u>

Before Mr Z was admitted, the assets were revalued as follows:

Premises	9,200,000
Fixtures	760,000
Motor Van	4,500,000
Stock	2,750,000
Debtors	2,950,000

Required

- (a) To show the entries in the Assets Accounts, the Revaluation Account, and the Partners' Capital Account.
- (b) To prepare a Revised Balance Sheet after the revaluation [25 marks]