

THE INDEPENDENT EXAMINATION COMMITTEE
GENERAL LEGAL COUNCIL

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2019 PROFESSIONAL LAW COURSE/POST-CALL LAW COURSE
PART 1 CURRENT, REFERRED & REPEAT 2019

DATE: 19TH JUNE 2019
SUBJECT: CRIMINAL PROCEDURE
TIME ALLOWED: THREE (3) HOURS 10:00am – 1:00pm

INSTRUCTIONS TO CANDIDATES:

1. Read the instructions very carefully before beginning your answers.
2. ANSWER QUESTIONS ONE AND FIVE WHICH ARE COMPULSORY AND ANY TWO OTHER QUESTIONS.
3. Credit will be given for legible handwriting, clarity of expression and orderly presentation of answers.
4. Do not write or sign your name on the Answer Booklet. Only write your index number.
5. Adhere strictly to the instructions on the front cover of your Answer Booklet.

QUESTION 1

On 20th August 2018, at about 3.00 p.m. Peter Danka a.k.a. Bobo who is a Fisherman living at Elmina met Kwame Tawiah, a farmer, at a lonely beachside at Elmina in the Central Region. The former quickly removed a cutlass hidden in his shirt and without any justification whatsoever used it to slash the latter on the head with the intention of killing him.

Eric Tawiah a student aged 19 years and the son of Kwame Tawiah who was collecting some fruits in a nearby bush observed the whole event. Eric Tawiah raised alarm and Peter Danka a.k.a. Bobo was arrested and handed over to the police at the District Police Headquarters, Elmina. Kwame Tawiah was rushed to the Cape Coast Central Hospital where he was admitted, treated and later discharged. Dr. Paul Manu, the Medical Officer who treated Kwame Tawiah issued a Medical Report. The Medical

Report described the injuries as deep laceration on the head with each measuring about four (4) inches in length and an inch deep caused by a sharp flat iron instrument.

D/Sgt. Paul Quansah, the police investigator in charge of the case took witness statement from all witnesses and also took possession of all exhibits. The investigator on 21st August 2018 took Investigation Caution Statement from the Peter Danka a.k.a. Bobo. On 27th August 2018 the investigator upon advice received from the Office of Attorney-General, took Charge Caution Statement from Peter Danka a.k.a. Bobo.

- (i) Draft a Bill of Indictment (10 marks)
- (ii) Draft a Summary of Evidence (15 marks)

(25 Marks)

QUESTION 2

Nana Boateng was arraigned before the Circuit Court for the offence of causing harm, contrary to section 69 of the Criminal Offences Act, 1960 (Act 29). When the charges were read and explained to Nana Boateng in the Twi language, he burst out laughing. The judge enquired from counsel for Nana Boateng whether his client was alright. After brief consultations with the accused person's mother, counsel for the accused person informed the court that his client is suffering from an insane delusion.

Describe in detail the procedure the judge must adopt in determining whether or not Nana Boateng is fit to stand trial.

(25marks)

QUESTION 3

Kofi Opoku, aged 25, and Evans Brako, aged 17 were on the 8th day of January 2019 caught stealing a mobile phone from the shop of Thomas Sackey at Makola, Accra. Both were jointly charged and arraigned before the trial court on the 15th day of January 2019. Both pleaded not guilty to the charge.

Indicate the mode of trial and narrate the procedure that follows the said plea till they are convicted and sentenced. **(25 Marks)**

QUESTION 4

Ato Jackson is 16 years old. On 23rd February 2017, he was arraigned before the High Court presided over by His Lordship Amoako J, together with Kwesi Manu 24, and Yaw Adobu 25 on charges of conspiracy to commit robbery and robbery. After the trial, the Judge convicted all three accused persons of the two counts of robbery and sentenced them to 15years IHL. Jackson's mother is aggrieved by the sentence of 15years IHL imposed on her son by the court and has approached you as counsel to file an appeal on behalf of her son. Draft the necessary process/processes. State and argue your grounds of appeal.

QUESTION 5

Ekow Pentsil, an artist, was on 14th June, 2019 convicted by Her Honour Mrs Marie Adu, sitting as the Presiding Judge at the Circuit Court, Tema, for the offence Defilement of a child age under 16 years Contrary to Section 101(2) of the Criminal Offences Act (Act 29) of 1960 and sentenced to 30 years I.H.L.

- (i) Draft a Petition of Appeal [8 MARKS]
- (ii) Draft a Motion for Bail Pending Appeal [8 MARKS]
- (iii) Draft an Affidavit in Support of the Motion for Bail Pending Appeal [9 MARKS]

(25 Marks)

QUESTION 6

“Thus whilst it is possible to let lose a person on trial for armed robbery for instance, yet it is still possible to put such a person behind bars if that will serve the general good of other persons or the community... thus applications for bail in serious offences should be taken as a serious business in the interest of society which has adopted a constitution impliedly removing the restrictions imposed by section 96(7) of Act 30 and placing the trust in the court that all competing interests would be taken care of.”- per Benin JSC.

With reference to relevant authorities/provisions, discuss this dictum of Benin JSC in the light of the current position of the law on the subject. (25marks)