IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA

CORAM: BROBBEY, JSC (PRESIDING)
ANSAH, JSC
DOTSE, JSC
YEBOAH, JSC
BAFFOE-BONNIE, JSC

CRIMINAL APPEAL
NO. J3/4/2009
6TH MAY, 2010

1. G/CPL VALENTINO GLIGAH - APPELLANTS

2. EC/1 ABDULAI AZIZ ATISO

VRS

THE REPUBLIC - RESPONDENT

J U D G M E N T

DOTSE, JSC

INTRODUCTION

The brief facts of this case are that, the accused/appellants, hereafter referred to as accused had been charged with the offence of Rape, tried and convicted by a Court with jury and sentenced to 15 years imprisonment each, with hard labour on the 18th day of July, 2003 by Avril Anin-Yeboah J (Mrs).

On the 13th day of November 2008, an appeal against the conviction and sentence of the accused persons was unanimously dismissed by the Court of Appeal. It is against this Court of Appeal decision that the accused persons have appealed to this Court on the 11th day of December 2008.

GROUNDS OF APPEAL

1. The Court failed to consider and analyse the defence of the appellant which shows the improbability of the alleged act of rape, given the circumstances of the deed.
2. The Court failed to appreciate the absence of a material witness of the prosecuton as being fatal to the proof of the alleged rape beyond reasonable doubts.

FACTS:

As stated supra, the accused persons were arraigned before the trial High Court on a charge of rape.

The statement and particulars of the offence, which are identical and similar read as follows:

> *"Rape contrary to section 97 of the Criminal and other offences Act, 1960, Act 29 as amended by Act 458. (1993)".*

PARTICULARS

The two accused persons who at all material times were policemen were alleged on or about 22nd day of June, 1998 at Accra in the Greater Accra Region and within the jurisdiction of the Court to have had carnal knowledge of Cynthia Nyante a female without her consent.

CASE FOR THE PROSECUTION

The case for the Prosecution was presented mainly by the victim of the Rape, Cynthia Nyante, PW1 and supported largely by the evidence of the following :

1. P.W.2 - Dr. Christian Boamah Mensah the medical officer at the Police Hospital who examined P.W.1 after the alleged rape
2. P.W.3 – Joseph Kwesi Addo a Police Investigator at the material time attached to the Accra Regional Police CID who investigated the case.
3. P.W.4 – Samuel Nartey who worked at the material time at the station view Hotel, Tudu who testified that the 1st accused never came to their Hotel with P.W.1.
4. PW5 – Police Constable class 1 Adeline Dzomeku stationed at Railways Police, but living at the Accra Central Police Division Sports Annex near the place where the incident was alleged to have happened.

5. PW6 – Chief Inspector Stephen Amoako who was at the material time stationed at the Regional CID in Accra and who received the initial complaint in the case and carried out preliminary and far reaching investigations into the case. We will return to this issue later.

Based upon the testimonies of the above witnesses, the prosecutions case can very briefly be summarised as follows:

P.W.1 Cynthia Nyante is a trader who hawked second hand clothes on the Kinbu road near the Central Police Station, Accra. She alleged that on the 22nd day of June, 1998, whilst selling her wares as she normally does around the Central Police Station, the two accused persons, called her to their office, pushed her into a store room and had sex with her in turns without her consent. After the incident, P.W.1 reported the matter to her friends who accompanied her back to the Central Police Station, whereupon prompt investigations were conducted by the Police which confirmed the report of Rape against PW.1. The two accused persons were subsequently arrested, charged, tried convicted and sentenced after their conviction by the jury.

CASE FOR THE DEFENCE

The case of the two accused persons which is not different was a total denial. P.W.1 had been the girlfriend of 1st accused three months before the incident, and that they had previously had consensual sex twice, once in his room at the Barracks and once at the station view Hotel at Tudu.

According to A1, since he and A2 had been friends for a long time, A2 also knew about relationship with the victim P.W1.

The accused contended that PW1 informed A1 about her pregnancy and demanded money to abort it but he wanted medical proof before intervention. On the 22nd of June 1998, the date of the alleged incident, the 1st accused contended that both he and 2nd accused were at the scene of the incident and that he was off duty, whilst A2 was on duty. It was contended further that P.W.1 came to demand an amount of ¢100,000.00 (now Gh¢10.00) as the amount spent by her on the abortion and that his failure to pay led to verbal insults by P.W.1 with a threat by P.W.1 on their lives. This incident is alleged to have happened at about 11.00am.

According to the accused, PW1 returned later at about 1.30pm with two other friends and with more venom in her, continued the verbal assault on them and that it was this noise which woke up PW5 Adeline Dzomeku who was asleep in a nearby room opposite where the rape allegedly took place. The accused therefore denied in its entirety the rape charge against them.

As was stated much earlier in this judgment, following their conviction by the jury in the trial High Court and sentence by the trial judge, an appeal against both conviction and sentence was similarly dismissed by the Court of Appeal, hence the instant appeal.

APPEAL TO THE SUPREME COURT

Ground One

The first ground of appeal brings into sharp focus the decision in the following cases:

1. ***Lutterodt vrs Commissioner of Police [1963] 1 GLR 429 holding 3***

2. ***Amartey vrs Republic 1964 GLR 256 at 295***.

3. ***Darko vrs Republic 1968 GLR 203.***

The Supreme Court in ***Amartey vrs Republic*** **case**, supra, laid down the following test for general application in all criminal cases.

"Where a question boils down to oath against oath, especially in a criminal case, the trial Judge should first consider the version of the prosecution, applying to it all the test and principles governing credibility of witnesses, when satisfied that the prosecution's witnesses are worthy of belief, consideration should then be given to the credibility of the accused's story, and if the accused's case is disbelieved, the Judge should consider whether, short of believing it, the accused's story is reasonable probable"

This will therefore mean that, in order to do justice to this ground of appeal, we would have to evaluate the ingredients of the offence with which the accused had been charged with and the evidence that had been led in support.

It is after this that the defence of the accused persons ought to be considered in the light of the decision in the Amartey case cited supra, since the case seems to boil down to one of oath against oath. In all this, it is important for this Court to bear in mind that the Constitution 1992 article 19 (2) (c) presumes everyone innocent until the contrary is proved. In other words, whenever an accused person is arraigned before any court in any criminal trial it is the duty of the prosecution to prove the essential ingredients of the offence charged against the accused person beyond any reasonable doubt. The burden of proof is therefore on the Prosecution and it is only after a prima facie case has been established by the Prosecution that the accused person is called upon to give his side of the story.

WHAT THEN IS RAPE

Section 99 of Act, 29 defines Rape as

"carnal knowledge of a female without her consent".

Carnal knowledge is the penetration of a woman's vagina by a man's penis. It does not really matter how deep or however little the penis went into the vagina. So long as there was some penetration beyond what is known as brush work, penetration would be deemed to have occurred and carnal knowledge taken to have been completed.

INGREDIENTS OF RAPE

The following are the ingredients of Rape:

1. That someone has had carnal knowledge of the victim, in this case Cynthia Nyante (PW1) by the accused persons
2. That, the someone is the accused person, in the instant case, the two accused persons.
3. That the PW1 was carnally known against her wish i.e. in this case, that the two accused had sex with PW1 against her will.

PW1herself has led evidence about how she was carnally known by the two accused persons. The evidence of PW1 which is very chilling is captured on pages 4-12 of the appeal record.

In order to set, the records straight, let us quote relevant portions of the evidence of PW1.

"That day I was hawking with my second hand cloth in front of the Central Police Station to Kantamanto whiles going the accused persons called me…
After I went to them to have a look at my things they spoke something in Ga and since I have not been in Accra for long, I did not understand what they were saying. All of a sudden, they opened a door and they pushed me inside the room. The 2nd accused closed the door so I was left in with the 1st accused in the room. In the room I saw two foams on the floor, one has been covered with a red cloth and the other one with a plain cloth. The 1st accused then pushed me down on the foam, kneel on my thighs, remove my pant and have sex with me. He had sex with me, four times whilst he the 2nd accused called him and said charley do it fast, officer will come.

So he stopped and went out. He did not even give me anything to clean myself whilst the 2nd accused also came in and have sex with me once. After they have finished, they opened the door for me and packed my things for me and asked me to go.

I really cried but there was nobody to help because the windows were all closed. So I went to Kantamanto to tell my friend Salome that two policemen have slept with me and she said no Cynthia let's go to them"

We have decided to quote in extenso the relevant portions of the evidence of PW1 on the issue of establishing the ingredients of the offence of rape and also to respond adequately to the points of substance that had been brilliantly argued in the well written submissions of learned Counsel for the accused persons, Mr. Ahumah Ocansey.
The evidence of PW1 had been materially corroborated with that of PW2, Dr. Boamah who examined PWI after the rape incident.
In her evidence on pages 14-18 of the appeal record, PW2 tendered the medical report Exhibit A, which is on page 123 of the record and which reads as follows:

"V/v – multiple abrasions (L) Labia majora and posterior, hypercentre vaginal mucosa, vaginal discharge with probable semen. No active bleeding……."

Explaining the above report, PW2, stated in her evidence on page 15 as follows:-

" I dwelt on the vagina examination and I said the multiple abrasions, which means small small tears small lacerations. I said it was on the left outer lip that's what we call labia majora and then posterior that is you look at the outer lip deeper inside, noticed there is small abrasions there. Then I said the inner vagina was red and I stated that there was a vagina discharged with a probable semen….. but what is most important is the spermatocytes in the swab that I took".

Concluding her testimony, PW2 stated her opinion as follows:

"In this specific case all that I can say is that it could have been caused by very firm male organ, which later discharged some sperms".

It is also important to note that, during the testimony of PW6, who was at all material times a Chief Inspector at the Regional C.I.D in Accra when the report of rape by PWI was made against the accused persons, stated on pages 49 -50 of the record as part of the investigations he conducted in the case as follows:-

"The description that the complainant gave me tally with the items I found in the room. My Lord, during inspection I found a broken earring stocked in one of the foam".

The above piece of evidence is in tandem with that of PW1 on page 6 of the record when she stated as follows:-

"When we got to the place they asked me if truly that, the accused persons have slept with me in there will I be able to show them the things I saw in the room. I told them I saw two foams on the floor, one covered with red cloth and the other white cloth and a bench lying near one of the foams.

I also saw a big robe in the room and a lot of things were in the room.

"Truly, when they opened the door they saw that all what I mentioned were found in there. I saw my earring stopper on the foam.

Q. If you see this earring stopper will you be able to recognise

A. Yes my Lord

Q. Have a look at this and see whether this is yours

A. Yes, is for me"

PROOF OF RAPE

From the above pieces of evidence it is very clear, that PW1 Cynthia Nyante has been carnally known by someone.

In this instance, the carnal knowledge of PW1 has also been confirmed by PW2, the Medical Officer who examined her shortly after the incident.

Has it also been clearly established that the accused persons were those who carnally knew P.W.1?

Again from the evidence of P.W.1 and the circumstantial evidence from P.W.5 and P.W.6, it is quite clear that it is the accused persons who carnally knew PW1.In the first place, PW5, Adeline Dzomeku is the Police woman who confirmed that she saw P.W.1 in front of the office where she was raped on the day in question and around the same time that P.W.1 stated.

Secondly, P.W.6 found an earring stopper on the foam in the office that P.W.I alleged the rape incident took place. P.W.I has indentified that earring stopper as her own and could this be accidental or what? There can only be one meaning to this fact, the earring stopper fell off during the sex escapade on the foam mattress that was used as the operational base. From these pieces of evidence put together, it is also established that PW1 was carnally known against her wish by the accused persons.

In this respect therefore, so far as the Prosecution is concerned, they have succeeded in proving the essential ingredients of the offence of rape against the accused persons.

What has to be considered is whether the learned trial Judge proved equal to the test that has been laid down in the case of Amartey vrs. State, referred to supra?

Since the trial of the accused was on indictment, the summing up of the Judge to the jury is of paramount importance. The summing up is at pages 113-120 of the record.

A perusal of same reveals that the learned trial Judge properly directed the Jury to apply the principles enunciated by the Supreme Court in the Amartey vrs State case, already referred to supra.

It is to be observed that, the learned trial judge adequately considered the case of PW1, see page 115 of the record, just as she did of the defence case also on page 115 of the appeal record.

Then the learned trial Judge directed the jury as follows:

> *"With the defence of the accused person's in mind let us consider PW1's story."*

The learned trial Judge continued on page 116 of the record as follows:

> *"It is PW1's word that it was the accused person's who had sex with her without her consent against that of the accused person nobody else was present but then so that evidence becomes crucial.*
>
> *I warn myself and also warn you to be cautious when evaluating the evidence of PW1.*
>
> *Since there was nobody else present to confirm what she says in other words there has been no direct corroboration of PW1's allegation that she has been raped. You can however use the surrounding circumstances to determine the truth or otherwise of P.W.1's claims. If these circumstances implicate, connect or link the accused with the offence then they amount to corroboration."*

The learned trial Judge then proceeded to ask series of critical and revealing questions.

We are indeed satisfied that the Prosecution have been able to establish the essential ingredients of the offence of rape against the accused persons not only on the standard of proof laid down in the Amartey vrs State Case, but also as stated in the *Evidence Act, 1975 NRCD 323*, section 13 (1) thereof.

We have considered in detail the erudite submissions of learned Counsel for the accused persons, as well as the belated submission of the learned Principal State Attorney.

CREDIBILITY OF PROSECUTION WITNESSES

Counsel for the accused person submitted rather forcefully that the prosecution witnesses should not have been believed and that they lack credibility. Learned Counsel then relied on the dictum of Bernard CJ in the case of ***DIAZ vrs The State (1990) LRC (Crim) 317*** pg 324 and concluded that the directions to the jury by the learned trial Judge in this case on the distressed condition of PWI was improper.

We have also taken serious note of the submissions by learned Counsel for the accused persons, that the credibility of the prosecution witnesses is suspect and the court should have given the necessary directions and caution to the jury.

Unfortunately, we are unable to agree with such a submission. This is because, quite apart from the fact that the case of the prosecution, especially P.W.1 is one of oath against oath, there are pieces of evidence which if put together make a very strong case against the accused persons. It is like series of small threads and when put together, make a very strong rope. The same with circumstantial evidence. It is generally accepted that when direct evidence is unavailable, but there are bits and pieces of circumstantial evidence available, and when these are put together they make stronger, corroborative and convincing evidence than direct evidence.

In the instant case, the following pieces of evidence helped in making very strong circumstantial evidence against the accused persons:

i. The detailed and correct description given by P.W.1 of the operation room.
ii. The presence of the earring stopper of P.W.1 on the foam mattress.
iii. The identification of P.W.1 by P.W.5 as being present in front of the room on the date in question.
iv. Denial by P.W.4 that 1st accused ever came to the Station View Hotel, Tudu, with PWI to have sex.
v. Confirmation by P.W.2 that P.W.1 had been carnally known by an erect male organ.

We are therefore unable to accept the inferences that learned Counsel for the accused sought to create on circumstantial evidence by referring to the ***Australian case of***

Chamberlain and Anr (1985) LRC (Crim) 285 where the Court cited the case of ***R. V. Van Beelan (1973) 4 SASR 353, at page 374*** where the court stated the standard of proof that must be established in cases where circumstantial evidence is used or accepted as the yardstick in measuring the guilt of the accused.

In the instant case, since there is no doubt in the drawing of inference of quilt from the combination of established and proven facts as stated supra against the accused persons on record, it must be taken that the said authority does not apply.

We also wish to comment in passing that the attempt by learned Counsel for the accused persons to create the impression that the evidence by P.W.1 that the 1st accused had sex with her four times before the 2nd accused had his turn is improbable and therefore has created a credibility issue is unacceptable. What must be noted is that, the perception of what is one round of sex might be from the victim's point of view or from the accused's point of view. In this case, considering the trauma which PW1 as the victim is likely to go through in the hands of Police Officers who are to protect her, that event is enough to traumatize her

On the totality of the direction by the learned trial Judge, we find as a fact that she considered every possible defence that the accused raised together with the host of circumstantial evidence that was available in this case.

In our minds, the critical question to consider is whether the Judge directed the jury to consider the totality of the Prosecution and defence cases. In the instant case, we are satisfied that the Judge and the tribunal of fact, (the jury) considered the whole evidence from the prosecutions point of view and applied to it all the relevant tests such as whether short of believing the accused person's story, it was reasonably probable.

It was only after this evaluation that the jury retired and came back with a unanimous guilty verdict.

Since this court cannot determine what went on in the minds of the Jurors when they retired to consider their verdict, the only way of assessing the satisfactory nature of the directions to the jury is from the summing up.

Once a court of law such as this appellate court is satisfied that the learned trial Judge had adequately raised all necessary questions and legal issues that ought to be considered by the Jury, then as William Shakespeare said in Macbeth

"There is no art to find a mind's construction in the face"

The matter must be laid to rest on this issue. The records show clearly that the learned trial Judge adequately directed the jury on the standard of the burden of proof in such cases, and created the necessary nexus between the instant case and the offence charged and the evidence that had been led.

With the resolution of this issue, ground one of the appeal is accordingly dismissed.

GROUND TWO

The court failed to appreciate the absence of a material witness of the Prosecution as being fatal to the proof of the alleged rape beyond reasonable doubt.

In support of this ground, learned Counsel for the accused person stated that the failure of the Prosecution to call one ASP Caulley, the Police Officer mentioned to be in charge of the store room which was said to the room where the rape took place is fatal to the case of the Prosecution. Learned Counsel then referred to a number of otherwise respected legal authorities to support his contention. Some of these cases are:

i. ***Regina vrs Ansere (1958) WALR vol. 3 385 at 388***
ii. ***Rex vrs George Kure (1941) 7 WACA***
iii. ***Sarpong vrs Republic [1981] GLR 790 holding 3, 792***
iv. ***Adam vrs The Republic [1992] 2 GLR 150 at 153***
v. ***Tetteh vrs The Republic [2001-2002] SCGLR 854 at 857***

Admittedly, the principle of law stated in all the above cases is good law and in respect of which we think this court has no intention of departing from. However, the said principle of law does not merit the application which learned Counsel for the accused invites this court to do.

We have always held the view that in establishing the standard of proof required in a civil or criminal trial, it is not the quantity of witnesses that a party upon whom the burden of proof rests calls to testify that is important, but the quality of the witnesses called and whether at the end of the day the witnesses called by the party have succeeded in proving the ingredients required in a particular case.

In other words, does the evidence led merit the standard of proof required in a particular case? If it does, then it will be a surplusage to call additional witnesses to repeat virtually the same point or seek to corroborate evidence that has already been corroborated.

In the instant case, learned Counsel complains that ASP Caulley had to be called in order to answer the fanciful questions he posed on page 36 of his statement of case in this appeal.

For example, what will a determination of where ASP Caulley was at the material time that the rape took place mean to the resolution of the case? The whereabouts of the officer at the time of the rape is clearly irrelevant to the establishment of a prima facie case against the accused persons.

Secondly, where ASP Caulley kept the keys to the store room is also irrelevant in view of the evidence that is already on record. This is because, 1st accused person in his evidence in chief on page 56 of the appeal record stated as follows:

"I know P.W.1 three months before 22nd June 1998. She was in a company of two other girls when I called her. She introduced herself as Mercy, I proposed to her and she accepted it. ***After sometime she visited me at the sport office..."***

Continuing his evidence further on page 59, 1st accused stated:

> *"She got annoyed and became furious and left. On the 22nd June I was off duty so I visited my friend the 2nd accused* ***person at the sport office.*** *I was with him when Cynthia Nyante P.W.1 was passing when she saw us in the office* ***she came again shouting at the top of her voice."***

The 2nd accused confirmed the testimony of 1st accused and added on page 78 of the record that due to the unruly behaviour of P.W.1, he the 2nd accused "***drove her out of the office*** *because I was not in good terms with her."*

It is interesting to note here that the office mentioned is the sports office.

These pieces of evidence show that irrespective of where ASP Caulley kept the keys to the store room, both accused persons had access to the office and on occasions met with PW1 in that room.

Thirdly, the resolution of the third question as to who else had access to the keys did not matter. This is because P.W.5 confirmed that upon hearing noises in her room, she came out of her room and saw PW1 with the accused persons. This was what identified the accused persons as the perpetrators of the rape on PW1.

As regards what items were in the room, PW1 had given adequate testimony about that, and the least said about this the better.

Again, the resolution of whether the 2nd accused worked under 1st accused is not relevant under the circumstances of this case.

Finally, whether ASP Caulley heard about the rape incident or not is also not relevant and material.

Under the circumstances, the question one has to ask in order to satisfy the principle of law decided in the Regina vrs Ansere line of cases referred to supra is of what use will evidence led by ASP Caulley do to the case? In other words, what essential ingredient of the offence of rape will he help to unravel or establish by giving evidence that has already not been led by the witnesses that testified?

Since we are of the firm view that all the necessary essential ingredients of the offence of rape have already been established against the accused persons beyond all reasonable doubt, the failure to call ASP Caulley is of no consequence. This is also due to the fact that we have not considered him a material witness whose testimony is worthy of consideration by the Court to have established a prima facie case against the accused persons.

We are surprised that learned Counsel for the accused persons despite the clear statement of the principle of law in ***Regina vrs Ansere*** and ***Tetteh vrs Republic,*** already referred to supra, would turn round to make the submissions he made seeking to make the impossible possible. The authorities clearly did not support the arguments he put forward in his statement of case.

Finally, we are of the view that the comments by the learned Counsel for the accused persons on the judgment of the court of Appeal though valid and legitimate did not amount to a substantial miscarriage of justice such as will entitle the judgment to be reversed. The comments complained of are of no consequence to the summing up to the jury which led to the guilty verdict of rape returned against the accused. The appeal is accordingly dismissed on this ground of appeal as well.

SENTENCE

There is however one small matter that we feed duty bound to comment upon. This is whether to disturb the sentence of 15 years imposed on the accused persons once the appeal has been dismissed.

It should be noted that, appeal is by way of re-hearing, even though the accused persons have not appealed against sentence, the determination of the appeal itself calls for an examination of the principles governing imposition of punishment.

There is no doubt that as a nation, apart from the menace of narcotics and armed robbery, rape and defilement cases are on the ascendancy. This therefore leaves no one in doubt that there is the need for a concerted effort to remove and destroy this dangerous canker of rape from our society.

The moral decadence that the country has sunk into makes it imperative for all and sundry, especially the law enforcement agencies like the courts to be at the vanguard of this crusade.

We are therefore of the opinion that, once the quilt of an accused person has been established in a criminal trial using the accepted standard and or burden of proof, the issue of punishment must be considered using different criteria.

This is because, in imposing sentence on a convicted person, the courts normally take into consideration factors such as whether the sentence is of a deterrent, reformative, or retributive nature. Sometimes, the criminal and previous antecedents of the accused are taken into consideration.

We are however of the opinion that the time has come for courts of law to take into consideration the status and type of profession and or work the accused person does before sentence is imposed.

For example, if an Internal Auditor, whose duty it is to check Accountants in the performance of their work either colludes or abets in the embezzlement of funds of the organisation, one will expect the Internal Auditor to be drastically dealt with because it was he who abdicated his watchman role to facilitate the committing of the crime.

Similarly, in the present case, the accused persons who are policemen and mandated to maintain law and order but have rather become the perpetrators of crimes against innocent law abiding citizens who they are to protect must receive harsh and deterrent sentences.

It is our firm hope and belief that the time has indeed come for the courts to deal very ruthlessly with perpetrators of such heinous crimes such as rape or defilement especially when the accused happen to be policeman, teachers who have charge of the victim or even parents or guardians. This is the only way by which as a country we can protect the sanctity and chastity of our women and girls.

It is therefore not surprising that the Daily Guide, an Accra Daily in its editorial of Saturday, May 1, 2010; vol. no. 009/10 page 4 wrote in part on the issue of defilement as follows:

"We are saddened by the development and wonder what has become of our values. Our morality has degenerated to such bestial levels that Mohamed could do what he did".

Continuing further, the editorial concluded thus:

"The law must be allowed to take its full course in this matter so that others who harbour such traits would be deterred from unleashing their libidos on innocent girls. We can only imagine the trauma the girl is going through in a society where counseling for victims of such criminal acts is almost non-existent."

When a wide circulating daily newspaper makes such comments in its editorial column, then it means matters have gotten to a crescendo which calls for a concerted and swift action to prevent the menace of rampaging young and old men from raping and or defiling girls and women. The courts must show their revulsion against such animal instincts by imposing very harsh and long sentences to serve as a deterrent to like minded persons.

As an appellate court however, we do not feel it is necessary at this stage to increase the sentence.

Trial courts should however embark upon a crusade by imposition of deterrent sentences in cases of rape to help manage a reduction of the high number of cases in this regard.

The appeal herein fails in its entirety and is accordingly dismissed.

J. V. M. DOTSE
JUSTICE OF THE SUPREME COURT

S. A. BROBBEY
JUSTICE OF THE SUPREME COURT

J. ANSAH
JUSTICE OF THE SUPREME COURT

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