

SABRAH, THORNE and RAKAR v. REGINA

COURT OF APPEAL (Ames, P., Dove-Edwin, J.A. and Marke, J.):
October 24th, 1964
(Cr. App. Nos. 18/64, 19/64 and 20/64)

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10 [1] **Criminal Procedure—judge's summing-up—accomplices—evidence implicating prosecution witness—direction to jury:** Where evidence goes to show that a prosecution witness may be an accomplice, it is proper for the judge to draw the jury's attention to this evidence and its effect, direct them as to what an accomplice is, warn them of the danger of convicting on the evidence of an accomplice without corroboration, explain what is meant by corroboration and point out to them any evidence which is capable of being corroboration (page 155, lines 17-29).

15 [2] **Evidence — corroboration — accomplices — direction to jury:** See [1] above.

The appellants were charged in the Supreme Court with armed robbery.

20 A motor-car conveying money was stopped by armed robbers who removed the money and drove off with it in another car. At the appellants' trial before a jury, the driver of the motor-car from which the money was taken identified them as three of the robbers. There was evidence which went to show that the driver might have
25 been an accomplice of the robbers. The judge in his summing-up drew the jury's attention to this evidence and its effect, directed them as to what an accomplice is, warned them of the danger of convicting on the evidence of an accomplice without corroboration, explained what was meant by corroboration and indicated to them
30 evidence which was capable of being corroboration.

On appeal the appellants attacked the judge's directions regarding the driver and his evidence.

The first appellant appeared in person.

35 *Wyndham* for the second appellant;

Candappa for the third appellant;

D. M. A. Macaulay, Principal Crown Counsel, for the Crown.

AMES, P. delivering the judgment of the court:

40 This is an appeal against a conviction for armed robbery of all three appellants in a trial held in Freetown in April of this year.

On September 17th of last year, Olivio Paolo, an accountant of

Vianini & Co. Ltd., set out from Freetown at about 5.45 p.m. for Rokel in an Opel car, with £6,000 in a tin box in the boot of the car. He had locked the box and the driver locked the boot. Paolo sat in the back seat with a lady; a man was sitting in front next to the driver Abu Bangura.

At about mile 40 in a stretch of dual carriageway, they had to stop because a Volkswagen in front of them stopped in a position which prevented their passing. Four men got out of the Volkswagen, armed with weapons including a pistol, went to the Opel, obtained at pistol point the keys of the car and the boot, and then removed the tin box containing the £6,000 and put it into the Volkswagen. Two other men came out of the bush and got into the Volkswagen, which then drove off with all six men and the tin box in it, after one of the robbers had struck one of the Opel's tyres with an axe. It is not necessary to set out the details of the robbery in any greater detail.

At the trial, Abu Bangura identified the three appellants as three of the men who got out of the Volkswagen. There was evidence which went to show that Abu Bangura might have been an accomplice of the robbers. In his summing-up the learned judge drew the jury's attention to it, and said that in the circumstances they might think that Abu Bangura was an accomplice. He directed them as to what an accomplice is, warned them of the danger of convicting on the evidence of an accomplice without corroboration, explained what was meant by corroboration and indicated to them evidence which was capable of being corroboration.

Some of the grounds of appeal attacked these directions, but we found no substance in them and did not call upon the respondent to reply to the arguments.

The other grounds were that the verdict was unreasonable and such as could not be supported having regard to the evidence. The argument about these concerned the weight and probative value of the evidence which the prosecution relied on as corroboration.

We do not know, of course, whether or not the jury did indeed regard Abu Bangura as an accomplice. Supposing however that they did, and supposing also that they heeded the learned judge's warning as to the danger of convicting without corroboration, in our opinion there was sufficient corroborative evidence to warrant their verdict.

The appeals are dismissed.

Appeals dismissed.