

IN THE HIGH COURT OF SIERRA LEONE

HOLDEN AT FREETOWN

THE STATE

VS.

HASSAN KANU

INDICTMENT NO: DPP/2017/027

PROSECUTION: A. SHEKU ESQ., M LANSANA ESQ., S.J.Y. BARLATT

DEFENCE: C. TUCKER

JUDGMENT DATED THE 1ST DAY OF AUGUST 2017

The Accused Person is indicted on a Count Charge of Obtaining Money by False Pretences contrary to Section 32(1) of the larceny Act 1916. According to the Particulars of Offence, it is alleged that the Accused Person with intent to defraud obtained from Albert Bangura the sum of Thirteen Million Leones (Le 13, 000, 000, 00) by falsely pretending that he has a house to rent knowing same to be false, at Freetown in the Western Area of the Republic of Sierra Leone on the 14th day of April 2014.

The Accused Person pleaded not guilty.

The Prosecution filed a trial by a Judge alone application and same was granted since the Defence did not object to same.

At the Commencement of the case for State, the First Witness for the Prosecution, Kanteh M.B, a detective attach at the Ross Road Police Station, East Region Freetown testified that the Accused Person was

arrested by Albert Bangura and other concerned citizens and brought to the Ross Road Police Station and a report made against the Accused Person for obtaining money of Thirteen Million Leones. The PW1 further stated the Accused Person was cautioned and a Voluntary Cautioned Statement obtained from the Accused Person. The said Voluntary Cautioned ^{Statement} is produced and tendered as Exhibit A 1 to 10. The Accused Person denied the allegation as put to him by the Detectives wholesale as baseless and false, but the Accused Person acknowledged that he signed as a witness ~~on~~ a receipt prepared by one Haja for renting a premise, *through Alusine Dumbuya*.

The Accused Person was charged by the Detectives and same produced and tendered as Exhibit B1 to 11.

The Second Prosecution Witness, Alusine Dumbuya testified in Court that he was in the company of the Complainant Albert Bangura and the Accused Person when they proceeded to the sister of the Accused Person Haja at No.151 Kissy Road Freetown and the sister confirmed the letting of the premise and the ^{sum} of Thirteen Million Leones was ~~etc.~~ ¹⁵ handed over to the Accused Person and the Accused Person transfer the said money to a lady called Haja. The PW2 said he prepared a receipt of the said amount and Haja and the Accused signed, The Receipt is produced and tendered as Exhibit C. According to the PW2, the Accused Person and Haja absconded, and both were pursued but it was the Accused Person who was arrested and brought to the Police Station.

In Cross, the PW2 restated his position and role played by the Accused Person in this said transaction which turned to be a mere farce and myth.

The Third Prosecution Witness, Albert Bangura told the Court that he personally had transaction with the Accused Person herein. The PW3 corroborated and substantiated the testimony of the PW2. The PW3 testified that when he established contact with a lady called Haja Jalloh for the letting of an office space, he requested for a male member to be present. On the date of the payment of the agreed sum of Thirteen Million Leones, the Accused Person was present and introduced by Haja as his brother. The PW3 said he paid the Thirteen Million Leones and the receipt was prepared by the PW2, and the Accused Person signed as Hassan Jalloh on the said receipt. But the PW3 said this payment did not come to light as the Accused Person and Haja Jalloh were no were to be found when came to take possession.

The PW3 testified in cross that he did pay the sum of Thirteen Million Leones but vain as the recipients fled.

The Prosecution closed its case and the Committal Certificate tendered as Exhibit D

Commencement of Defence case. The Accused Person elected to rely on his Statement made to the Police, but the Accused Person has no witness.

I will legally submit that that the Prosecution has established a case of Corroboration in a material particular as there is consistency in the testimony of the PW2 and PW3 hence the case of R V Baskerville and the Accused Person cannot controvert same but to rely on his sole Statement of denial which is neither here or there. The action of the Accused Person is contrary to Section 32(1) of the Larceny Act 1916. As the Accused Person took part in the deprivation of the PW3, The Accused Person fled with this so called Haja Jalloh since 14th March

2014 and the Accused Person was arrested last year. The Prosecution I
humbly submit has proved its case beyond reasonable which is a strict
test that requires every element in a Criminal Prosecution to be
established and that the Prosecution has successfully done. The
Accused Person is therefore guilty as charged.

^{SAME}
^ SRD 1/5

ALLOCUTUS:

The ~~Defence~~ asked
for Mercy.

Count : The
Accused Person
is sentenced to
five years
imprisonment.

M

Henry J 18-2017

Court — Time spent
at the remand
Prison must be
included.

~~STP~~ 1

1-8-17
Stevens J.