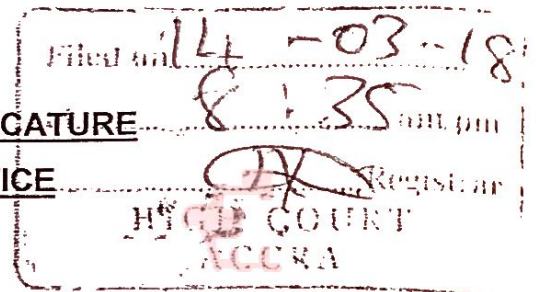


IN THE SUPERIOR COURT OF JUDICATURE

IN THE HIGH COURT OF JUSTICE

ACCRA – A. D. 2018



Case No.

CR 158/2018

THE REPUBLIC

VRS

1. STEPHEN KWABENA OPUNI
2. SEIDU AGONGO
3. AGRICULT GHANA LIMITED

Count one

Statement of offence

Abetment of crime namely, defrauding by false pretence contrary to sections 20(1) and 131 (1) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

Stephen Kwabena Opuni between January 2014 and November 2014 in Accra in the Greater-Accra Region abetted Seidu Agongo and Agricult Ghana Ltd. to defraud COCOBOD of the sum of GH¢43,120,000.

Count Two

Statement of Offence

Defrauding by false pretence contrary to section 131(1) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

1) Seidu Agongo 2) Agricult Ghana Ltd between 2013 and November 2014 in Accra in the Greater-Accra Region with intent to defraud Ghana Cocoa Board (COCOBOD)

obtained the consent of COCOBOD to part with the sum of GH¢43,120,000 by representing to COCOBOD that you would supply Lithovit Foliar Fertilizer from Germany for application by farmers on cocoa for the 2013/2014 cocoa season, a representation which you knew to be false at the time of making it.

Count Three

Statement of offence

Abetment of crime namely, defrauding by false pretence contrary to sections 20(1) and 131 (1) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

Stephen Kwabena Opuni between November 2014 and November 2015 in Accra in the Greater-Accra Region abetted Seidu Agongo and Agricult Ghana Ltd to defraud Ghana Cocoa Board (COCOBOD) of the sum of GH¢75,289,314.72.

Count Four

Statement of Offence

Defrauding by false pretence contrary to section 131(1) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

1) Seidu Agongo 2) Agricult Ghana Ltd between November 2014 and November 2015 in Accra in the Greater-Accra Region with intent to defraud Ghana Cocoa Board (COCOBOD) obtained the consent of COCOBOD to part with the sum of GH¢75,289,314.72 by representing to COCOBOD that you would supply Lithovit Foliar Fertilizer from Germany for application by farmers on cocoa for the 2014/2015 cocoa season, a representation which you knew to be false at the time of making it.

Count Five

Statement of Offence

Abetment of crime namely, defrauding by false pretence contrary to sections 20(1) and 131 (1) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

Stephen Kwabena Opuni between October 2015 and March 2016 in Accra in the Greater-Accra Region abetted Seidu Agongo and Agricult Ghana Ltd. to defraud Ghana Cocoa Board of the sum of GH¢98,935,974.50.

Count Six

Statement of Offence

Defrauding by false pretence contrary to section 131(1) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

1) Seidu Agongo 2) Agricult Ghana Ltd between October 2015 and March 2016 in Accra in the Greater-Accra Region with intent to defraud Ghana Cocoa Board (COCOBOD) obtained the consent of COCOBOD to part with the sum of GH¢98,935,974.50 by representing to COCOBOD that you would supply Lithovit Foliar Fertilizer from Germany for application by farmers on cocoa for the 2015/2016 cocoa season, a representation which you knew to be false at the time of making it.

Count Seven

Statement of Offence

Conspiracy to commit crime namely, Wilfully Causing Financial Loss to the State contrary to sections 23(1) and 179A(3)(a) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

1) Stephen Kwabena Opuni 2) Seidu Agongo 3) Agricult Ghana Ltd between March and November 2014 in Accra in the Greater Accra Region agreed to act together with a common purpose to wilfully cause financial loss to the State.

Count Eight

Statement of Offence

Wilfully Causing Financial Loss to the State contrary to section 179A(3)(a) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

1) Stephen Kwabena Opuni 2) Seidu Agongo 3) Agricult Ghana Ltd between March and November 2014 in Accra in the Greater Accra Region, wilfully caused financial loss of GH¢43,120,000 to the State.

Count Nine

Statement of Offence

Conspiracy to commit crime namely, Wilfully Causing Financial Loss to the State contrary to sections 23(1) and 179A(3)(a) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

1) Stephen Kwabena Opuni 2) Seidu Agongo 3) Agricult Ghana Ltd between February and November 2015 in Accra in the Greater Accra Region, agreed to act together with a common purpose to wilfully cause financial loss to the State.

Count Ten

Statement of Offence

Wilfully Causing Financial Loss to the State contrary to section 179A(3)(a) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

1) Stephen Kwabena Opuni 2) Seidu Agongo 3) Agricult Ghana Ltd between February and November 2015 in Accra in the Greater Accra Region, wilfully caused financial loss of GH¢75,289,314.72 to the State.

Count Eleven

Statement of Offence

Conspiracy to commit crime namely, Wilfully Causing Financial Loss to the State contrary to sections 23(1) and 179A(3)(a) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

1) Stephen Kwabena Opuni 2) Seidu Agongo 3) Agricult Ghana Ltd between December 2015 and April 2016 in Accra in the Greater Accra Region, agreed to act together with a common purpose to wilfully cause financial loss to the State.

Count Twelve

Statement of Offence

Wilfully Causing Financial Loss to the State contrary to section 179A(3)(a) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

1) Stephen Kwabena Opuni 2) Seidu Agongo 3) Agricult Ghana Ltd between December 2015 and April 2016 in Accra in the Greater Accra Region, wilfully caused financial loss of GH¢98,935,974.50 to the State.

Count Thirteen

Statement of Offence

Contravention of the Public Procurement Act contrary to sections 92(1), and 40(1)(a) of the Public Procurement Act, 2003 (Act 663).

Particulars of Offence

Stephen Kwabena Opuni in February 2014 in Accra in the Greater-Accra Region procured the supply of a substance described as "Lithovit Liquid Fertiliser" using public funds without satisfying the prescribed conditions for single-source procurement.

Count Fourteen

Statement of Offence

Contravention of the Public Procurement Act contrary to sections 92(1), and 41 of the Public Procurement Act, 2003 (Act 663).

Particulars of Offence

Stephen Kwabena Opuni in February 2014 in Accra in the Greater-Accra Region obtained the approval for single source procurement from the Public Procurement Authority for the supply of a substance described as "Lithovit Liquid Fertiliser" without obtaining a price quotation.

Count Fifteen

Statement of Offence

Contravention of the Public Procurement Act contrary to sections 92(1), and 40(1)(a) of the Public Procurement Act, 2003 (Act 663).

Particulars of Offence

Stephen Kwabena Opuni in February 2015 in Accra in the Greater-Accra Region procured the supply of a substance described as "Lithovit Liquid Fertiliser" using public funds without satisfying the prescribed conditions for single-source procurement.

Count Sixteen

Statement of Offence

Contravention of the Public Procurement Act contrary to sections 92(1), and 40(1)(a) of the Public Procurement Act, 2003 (Act 663).

Particulars of Offence

Stephen Kwabena Opuni in December 2015 in Accra in the Greater-Accra Region procured the supply of a substance described as "Lithovit Liquid Fertilizer" using public funds without satisfying the prescribed conditions for single-source procurement.

Count Seventeen

Statement of Offence

Contravention of the Public Procurement Act contrary to section 92(2)(b) of the Public Procurement Act, 2003 (Act 663).

Particulars of Offence

Stephen Kwabena Opuni in February 2014 in Accra in the Greater-Accra Region influenced the procurement process by misrepresenting facts to the Public Procurement Authority (PPA) in order to obtain unfair advantage in the award of a contract to Agricult Ghana Ltd.

Count Eighteen

Statement of Offence

Contravention of the Public Procurement Act contrary to section 92(2)(b) of the Public Procurement Act, 2003 (Act 663).

Particulars of Offence

Stephen Kwabena Opuni in February 2015 in Accra in the Greater-Accra Region influenced the procurement process by misrepresenting facts to the Public Procurement Authority (PPA) in order to obtain unfair advantage in the award of a contract to Agricult Ghana Ltd.

Count Nineteen

Statement of Offence

Contravention of the Public Procurement Act contrary to section 92(2)(b) of the Public Procurement Act, 2003 (Act 663).

Particulars of Offence

Stephen Kwabena Opuni in December 2015 in Accra in the Greater-Accra Region influenced the procurement process by misrepresenting facts to the Public Procurement Authority (PPA) in order to obtain unfair advantage in the award of a contract to Agricult Ghana Ltd.

Count Twenty

Statement of Offence

Corruption by public officer contrary to section 239(1) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

Stephen Kwabena Opuni on 10th October 2014 in Accra in the Greater-Accra Region agreed to permit your conduct as Chief Executive Officer (CEO) of Ghana Cocoa Board (COCOBOD) to be influenced by an amount of Twenty-Five Thousand Ghana Cedis (GH¢25,000.00) from **Seidu Agongo**.

Count Twenty-One

Statement of Offence

Corruption of public officer contrary to section 239(2) of the Criminal Offences Act, 1960 (Act 29).

Particulars of Offence

Seidu Agongo on 10th October 2014 in Accra in the Greater-Accra Region endeavoured to influence the conduct of **Stephen Kwabena Opuni** in the performance of his duties as Chief Executive Officer (CEO) of Ghana Cocoa Board (COCOBOD) by offering him an amount of Twenty-Five Thousand Ghana Cedis (GH¢25,000.00).

Count Twenty-Two

Statement of Offence

Money Laundering contrary to section 1(1)(c) of the Anti-Money Laundering Act, 2008 (Act 749).

Particulars of Offence

1) Seidu Agongo 2) Agricult Ghana Ltd in 2014 in Accra in the Greater-Accra Region took possession of the sum of GH¢43,120,000 knowing it to be proceeds of crime.

Count Twenty-Three

Statement of Offence

Money Laundering contrary to section 1(1)(c) of the Anti-Money Laundering Act, 2008 (Act 749).

Particulars of Offence

1) Seidu Agongo 2) Agricult Ghana Ltd in 2015 in Accra in the Greater-Accra Region took possession of the sum of GH¢75,289,314.72 knowing it to be proceeds of crime.

Count Twenty-Four

Statement of Offence

Money Laundering contrary to section 1(1)(c) of the Anti-Money Laundering Act, 2008 (Act 749).

Particulars of Offence

1) Seidu Agongo 2) Agricult Ghana Ltd in 2016 in Accra in the Greater-Accra Region took possession of the sum of GH¢98,935,974.50 knowing it to be proceeds of crime.

Count Twenty-Five

Statement of Offence

Manufacturing fertilizer without registration contrary to sections 68(1) and (28)(1)(c) of the Plants and Fertilizer Act, 2010 (Act 803).

Particulars of Offence

1) Seidu Agongo 2) Agricult Ghana Ltd between 2014 and 2016 in Accra in the Greater-Accra Region manufactured fertilizer in commercial quantities without registration.

Count Twenty-Six

Statement of Offence

Selling misbranded fertilizer contrary to section 114(1)(b) of the Plants and Fertilizer Act, 2010 (Act 803).

Particulars of Offence

1) Seidu Agongo 2) Agricult Ghana Ltd between 2014 and 2016 in Accra in the Greater-Accra Region sold misbranded fertilizer to Ghana Cocoa Board.

Count Twenty-Seven

Statement of Offence

Selling adulterated fertilizer contrary to section 114(1)(c) of the Plants and Fertilizer Act, 2010 (Act 803).

Particulars of Offence

1) Seidu Agongo 2) Agricult Ghana Ltd between 2014 and 2016 in Accra in the Greater-Accra Region sold adulterated fertilizer to Ghana Cocoa Board.

DATED AT THE OFFICE OF THE ATTORNEY-GENERAL THIS ^{12TH} ... DAY OF MARCH 2018.



EVELYN D. KEELSON

CHIEF STATE ATTORNEY

FOR: ATTORNEY-GENERAL

THE REGISTRAR
HIGH COURT
ACCRA