

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
SPECIALISED COURT
ACCRA - A.D. 2026

14/07/2026
9:58 am/pm
Registrar
HIGH COURT, ACCRA

CASE NO:CR/0530/2026

THE REPUBLIC

RESPONDENT

VRS

1. HANAN ABDUL-WAHAB ALUDIBA
2. FAIZA SEIDU WUNI

1ST ACCUSED/APPLICANT
2ND ACCUSED PERSON

NOTICE OF MOTION
APPLICATION FOR AN ORDER STRIKING OUT THE CHARGE SHEET
AS BEING FATALLY DEFECTIVE AND IN CONTRAVENTION OF THE
1ST ACCUSED'S RIGHT TO A FAIR TRIAL

TAKE NOTICE that this honourable Court will be moved on MON 20TH day of JULY 2026 at 9 O'clock in the forenoon or so soon thereafter as Counsel for and on behalf of the Applicant herein may be heard on an application praying this honourable Court for an order striking out Counts 1, 2,3,4, 5, 6, 7,8, 13, 14, 15, 16, 17, 18, 19, and 20 contained in the charge sheet (filed against the 1st accused/applicant herein) as being fatally defective and in contravention of the rights of the 1st accused to a fair trial upon the grounds set out in the accompanying affidavit and for any further order(s) as to this honourable Court may seem meet.

DATED AT DAME & PARTNERS, 55A KAKRAMADU LINK,
CANTONMENTS, ACCRA THIS TH DAY OF 13TH JULY, 2026.

RICHARD QYAMBIBY
Solicitor's Licence: eGAR04441/26
DAME & PARTNERS
Chamber Licence: ePP00296/26
LAWYER FOR APPLICANT

THE REGISTRAR
HIGH COURT
SPECIALISED COURT
ACCRA

AND COPIES FOR SERVICE ON THE FOLLOWING:

- 1. THE ATTORNEY- GENERAL
OFFICE OF THE ATTORNEY-GENERAL
LAW HOUSE, ACCRA**
- 2. THE SECOND ACCUSED OR HER COUNSEL
AUGUSTINES OBUOR
OBUOR MINTA & CO
H/NO. 127/1629, BRYAN STREET
ACCRA**

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AFFIDAVIT IN SUPPORT

I, **Abdul-Wahab Hanan** of Plot No. 251, Chain Homes, Accra, do make oath and say as follows:

1. That I am the deponent hereto and the 1st accused applicant herein and depose to this affidavit in respect of matters within my knowledge, information and belief.
2. That at the hearing of this application, counsel shall seek leave to rely on all processes so far filed in this suit as if same had been sworn to on oath and set out in this affidavit.
3. That on 15th May 2026, the Respondent arraigned me together with the 2nd accused person before this honourable Court.
4. That I was charged with sixteen offences specified as follows:
 - a. Counts 1 and 14 – defrauding by false pretences contrary to section 131(1) of Act 29;
 - b. Counts 2, 5, 8, and 16 – wilfully causing financial loss to the Republic contrary to section 179A(3)(a) of Act 29;
 - c. Counts 3, 6, 13 and 18 – stealing contrary to section 124(1) of Act 29;
 - d. Counts 4, 7, 15 and 20 – using public office for profit contrary to section 179C(a) of Act 29;
 - e. Count 17 – intentional dissipation of public funds contrary to section 1(1) of SMCD 140;
 - f. Count 19 – money-laundering contrary to section 1(2)(c) of Act 1044.

5. That I pleaded not guilty to all charges against me because I know I have not committed any crime, irrespective of the contents or defects of the charges.
6. That I am advised by counsel and verily believe same to be true that a careful consideration of the charges filed against me discloses that same are vague, ambiguous, duplicitous, renders a fair trial impossible and violates my fundamental human rights as an accused person under the Constitution and therefore ought to be struck out by this Honourable Court.
7. That I am advised by Counsel and verily believe same to be true that Article 19(2)(d) of the **Constitution, 1992** guarantees to every person charged with a criminal offence the right "*to be informed immediately in a language that he understands, and in detail, of the nature of the offence charged.*" A violation of this fundamental provision renders the trial unfair, and the charges unfit to proceed to trial.
8. That I am further advised and verily believe same to be true that the **Criminal and Other Offences (Procedure) Act, 1960 (Act 30)** fortifies this fundamental human right to a fair trial by mandating every charge to be drafted in ordinary language and to contain sufficient particulars for giving reasonable information as to the nature of the charges against an accused person.
9. That on a careful examination, it is apparent that the Charge Sheet is confusing, ambiguous and deprives me of a proper understanding of the precise nature of the allegations by the Republic against me.
10. That, firstly, the period within which it is alleged that I committed Counts 3, 4, and 5 — **February 2017 to February 2025** — spans eight years, during which multiple payments were allegedly made to Sawtina Enterprise. The particulars do not identify which specific payments or transactions caused the loss or whether the loss is aggregated from multiple acts.
11. That the charge sheet does not specify whether the offence is a single composite transaction or a continuing offence.
12. That **Count 3** charges me with stealing an amount of **about** GH¢50,879,210 from NAFCO by purporting to pay it to Sawtina Enterprise without specifying how the alleged stealing was done, or what specific act(s) constituted the stealing and what modus was used having the elements of the offence. It is also not clear what *purporting* refers to or whether the payment was made.

13. That further, most fundamentally, whilst the amount is stated to be about GH¢50,879,210, there is no indication whether this sum represents one single transaction or multiple payments over the eight-year period (2017 – 2025).
14. That I am advised by counsel and verily believe same to be true that if the alleged act of stealing consists of alleged multiple payments or transactions, each transaction is required by law to be set out in a separate count as a failure to do so violates my fundamental constitutional right to a fair trial and to be informed in detail of the nature of the offence charged against me.
15. That, additionally, the particulars do not provide information on the specific payment(s) which constituted the offence of stealing and no information is provided as to whether the money was transferred, withdrawn, or retained by me.
16. That in respect to the four counts of stealing, the particulars allege that I stole various sums of money *"while purporting to make payments"*.
17. That I am confused as to whether I am alleged to have done the act or I pretended to do it and, in the process, stole it. These fundamental defects make me unable to properly prepare for the trial.
18. That in essence, the particulars, in a fatal way, fail to state sufficient information which allege any crime of stealing.
19. That these defects also affect **Counts 6, 13, and 18**, as they employ the identical deficient particulars which make them incurably defective, and are indicative of systemic defects throughout the charge sheet.
20. That **Count 5** charges me with *"wilfully causing financial loss of about GH¢50,879,210 to the Republic"* but the word *"wilfully"* appears only as a label in the statement of offence and is repeated in the particulars, but no particulars are provided to support what constituted the *"wilful cause"* for me to know the nature of the charge against me.
21. That the particulars state that I, in the *"course of making payments"*, wilfully caused the said NAFCO to lose the stated sum without more. Quite fatally, there is no indication of how unlawfully the payments were made or how the payments caused loss to the company. It is also not stated whether the loss was direct or indirect.
22. That I am advised by counsel and verily believe same to be true that the drafting style of the Republic in lumping everything together under the phrase *"wilfully caused,"* is impermissibly vague and prejudices my right

to know the case against me, in contravention of Article 19(2)(c) of the Constitution.

23. That these fundamental defects violate the constitutional and statutory requirements of a proper charge and affect my right to a fair trial in this Honourable Court.
24. That these defects affect **Counts 5, 8 and 16**, as they have all been drafted using the same defective template varying only in the dates and figures, and are therefore equally incurably bad.
25. That **Count 14** charges me with defrauding by false pretences between 2017 and 2019 by stating that I represented that I had supplied food, through an enterprise owned by me, to NAFCO leading it to part with a sum of GH¢5,495,748.36.
26. That I am advised by counsel and verily believe same to be true that this charge is fatally defective, and, I state that I am not able to understand its nature as it does not allege any false representation which is fundamental and essential to the charge of defrauding by false pretences.
27. That further, I am advised that the charge fails to indicate specifically when the representation was made within the two or three year period or whether the representation was made as a single representation or multiple representations or continuing representation.
28. That also, the charge does not state how the representation was communicated, or what specific foodstuff was allegedly represented as sold and in what quantities.
29. That this lack of specificity makes it impossible for me to know the exact case I must meet, in contravention of my fundamental human right to a fair trial. A two or three-year window with **no specification** of when the representation occurred or how it was done is impermissibly vague.
30. That this also applies to count 1 which alleges that sometime in 2017, I did by *false pretences* obtain the sum of GH¢734,400 from NAFCO.
31. That again, I am advised by Counsel and verily believe same to be true that some of the charges against me are bad for duplicity, and that proceeding to trial on the basis of these charges will occasion a substantial miscarriage of justice, as I am uncertain of the precise case I am required to meet.
32. That in particular, in **Counts 13 and 14**, I have been charged with the offences of **stealing** and **defrauding by false pretences** respectively, in

respect of the **same sum of money**, namely **GH¢5,495,748.36**, arising from the **same transaction** — the alleged payments from the NAFCO to Aludiba Enterprise between February 2017 and February 2019.

33. That I am further advised by Counsel and verily believe same to be true that, by their nature, the offences of stealing and defrauding by false pretences, when levelled in respect of the same act involving the same sum of money, are mutually exclusive.
34. That I am advised that a person cannot both “take and carry away” property without consent (stealing) and simultaneously “induce the owner to part with it” by a false pretence (defrauding), as the two offences rest on fundamentally different and contradictory factual bases. Preferring both offences in respect of the same transaction therefore creates an incurable ambiguity in violation of the principles of fair trial enshrined in Article 19 of the Constitution, and renders the charge sheet incurably defective.
35. That **Count 19** charges me with money laundering in relation to the alleged stealing of the sum of GH¢251,050.00 in **Count 18** which I have demonstrated above to be **fundamentally defective**.
36. That I am advised by Counsel and verily believe same to be true that a money laundering charge cannot be sustained where the predicate offence upon which it depends is incurably defective. I cannot be said to have laundered the proceeds of an unlawful activity when the unlawful activity itself has not been properly charged.
37. That **Count 7** charges me with using public office for profit. The Particulars of Offence simply alleges that I “*corruptly abuse(d)*” my office for private benefit through Alqarni Enterprise.
38. That I am advised by counsel and verily believe same to be true that the Particulars of Offence merely repeats the language of the statute creating the offence without more. This is in contravention of the constitutional injunction to provide details of the nature of the offence against me.
39. That I am left entirely to my own speculation to determine what acts I have allegedly committed which constitute the “*corrupt abuse*” of my office as the charge provides no factual compass — no specific conduct, no description of any transaction, no identification of any document, no mention of any decision I allegedly took — which may constitute a criminal offence.
40. That to prepare my defence, I would need to know what I am accused of doing. The charges do not provide with details but demand that I guess. I

am advised by counsel and verily believe same to be true that a trial built on speculation is no trial at all.

41. That I am advised by counsel and verily believe same to be true that the defects stated in the immediately preceding paragraph affect Counts 4, 15 and 20, as they have all been drafted using the **same defective template** — the same vague and conclusory language, the same failure to state specific acts, the same lack of particularity, and the same repetition of statutory language without factual content — varying only in the dates and figures. This renders the charges incurably bad.
42. That I am further advised by counsel and verily believe same to be true that the cumulative effect of the defects identified in this application — the excessively broad timeframes, the vague and conclusory particulars, the failure to distinguish the roles of jointly charged persons, the charging of mutually exclusive offences for the same transaction and the duplicitous charges — renders a fair trial impossible and in violation of my rights as an accused person guaranteed under Article 19 of the **Constitution, 1992** and the **Criminal Procedure Act, 1960 (Act 30)**.
43. That I am advised by Counsel and verily believe same to be true that that a charge sheet so riddled with so much ambiguity, duplicity, constitutional and statutory violations and legal incoherence as the instant one cannot be allowed to stand and ground a proper trial against any accused person, as same erode the very foundations of fair trial guaranteed by Article 19 of the Constitution, 1992 and Act 30.
44. That this is therefore a fit and proper occasion for this Honourable Court to exercise its jurisdiction to strike out the charge sheet as incurably bad, thereby upholding the supremacy of constitutional rights and reaffirming that justice must not only be done but must manifestly be seen to be done.

WHEREFORE I swear to this affidavit in support praying the Court to strike out the entire charge sheet as being fatally defective.

SWORN IN ACCRA THIS 14th DAY)
OF JULY, 2026)

A. Clotey
DEPONENT

BEFORE ME

COMMISSIONER FOR OATHS