

KWAME & KOFI v. ADZONU (PRACTICE NOTE)
IN THE COURT OF APPEAL, ACCRA
29TH OCTOBER, 1958

CORAM: VAN LARE AND GRANVILLE SHARP, JJ.A. AND ACOLATSE, J.

Local courts / Inspection of locus in quo in land cases.

CASE SUMMARY

It is not imperative for a trial local court to visit the locus in quo, although it is highly desirable. It is not fatal, therefore, if an inspection of the locus in quo is not carried out by the trial local court. (Dicta of van Lare, J. in Oyete and Ntim v. Edumawu and Aduo (1956) 1 W.A.L.R. 278 at p. 281 approved.)

The following practices, although perhaps permissible by custom, are frowned upon by the Court of Appeal:

(1) where a member of the panel of the court (in this case the president) does not attend the visit to the locus in quo, but joins in delivering the judgment of the court;

(2) where after the inspection, a member of the panel descends into the witness box to give a report on oath, thereby becoming a witness for cross-examination. (Dicta of Lingley, J. in Keteku v. Dzogbenuku (1956) 1 W.A.L.R. 134 at p. 136 approved.)

It is strongly recommended that the practice as set out in criminal case of R.v. Degbe (1947) 12 W.A.C.A 184 at p. 185 be adopted by local courts in regard to inspection of the locus in quo in land cases.

(Kwami and Kofi v. Adzonu and others, judgment delivered by van Lare, J.A, Korsah and Granville Sharp, JJ.A. concurring, reported sub nom. Awadzi v. Adzonu (1958) 3 W.A.L.R. 469).

COUNSEL

N/A