

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA – ABUJA**

**BEFORE HIS LORDSHIP: JUSTICE SALISU GARBA
COURT CLERKS: FIDELIS T. AAYONGO & OTHERS
COURT NUMBER: HIGH COURT TWO (2)
CASE NUMBER: FCT/HC/CR/150/2015
DATE: FRIDAY 15TH MARCH, 2019**

BETWEEN:

INSPECTOR GENERAL OF POLICE

- **COMPLAINANT**

AND

- 1. ANAYO EZE**
- 2. IDRIS SHAIBU ALIAS CALAMITY**
- 3. IKECHUKWU NELSON ALIAS BARRACK**
- 4. EMMANUEL IGWE**
- 5. SAMUEL OKOR**
- 6. AUGUSTINE NWAMBA**

} **ACCUSED PERSONS**

Defendants in court.

Obinna Onu for the 1st Defendant.

A.A. Saddiq for the 2nd Defendant.

Chukwuemeka J. Okereke for the 3rd Defendant.

A.U.S. Oguajamma for the 4th and 6th Defendants holding the brief of counsel to the 5th Defendant Mr. Nsikat Udoh Esq.

Benjamin Enemaku watching brief to the Nominal complainant.

Benjamin Enemaku Esq. – I put a call to the prosecution counsel twice but he was not picking his calls.

Court – The case is for judgment and this is the decision.

J U D G M E N T

By an Amended Charge dated 10/4/2015 and filed on 14/4/2015, the 6 Defendants/Accused persons were charged with the following counts of offences:

Count One:

That you (1) Anayo Eze "M" 19 years, (2) Idris Shaibu Alias Calamity Executioner "M" 22 years, (3) Ikechukwu Nelson Alias Barrack "M" 27 years, (4) Emmanuel Igwe "M" 22 years, (5) Samuel Okoro "M" 19 years, (6) Augustine Nwanba "M" 47 years did on or about the 6th November 2014 at about unspecified hours in Zuba, Abuja, of the Abaji Judicial Division, agreed to do an illegal act to wit: Culpable Homicides punishable with death, and the killing of Mr. Anthony Eze, Male, Adult was done pursuant to your agreement, and you thereby committed an offence contrary to Section 97 and punishable under Section 221 of the Penal Code Law.

Count Two:

That you (1) Anayo Eze "M" 19 years, (2) Idris Shaibu, Alias Calamity Executioner "M" 22 years, (3) Okechukwu Nelson Alias Barrack "M" 27 years, (4) Emmanuel Igwe "M" 22 years, (5) Samuel Okoro "M" 19 years, all of various addresses FCT Abuja, on or about the 6th November 2014, at about 20:00 hrs along Zuba – Tunga Maje Expressway FCT Abuja, of the Abuja Judicial Division did commit Culpable Homicides punishable with death in that you cause the death of Anthony Eze, Male, Adult, by shooting him with pistol firearms in his chest with the intention of causing him death

and you thereby committed an offence punishable under Section 221 of the Penal Code Law.

Count Three:

That you (1) Anayo Eze "M" 19 years, (2) Idris Shaibu, Alias Calamity Executioner "M" 22 years, (3) Okechukwu Nelson Alias Barrack "M" 27 years, (4) Emmanuel Igwe "M" 22 years, (5) Samuel Okoro "M" 19 years all of various addresses FCT Abuja did on or about the 6th November 2014, about 20:00 hrs along Zuba – Tunga Maje Expressway FCT Abuja of the Abuja Judicial Division, while armed yourselves with pistol fire armed and robbed Anthony Eze Male, adult of his Nokia E5 valued not yet disclosed, who died as a result of the robbery operation and you thereby committed an offence punishable under Section 1 of the Robbery and Firearms (Special Provision) Act Cap R 11 Laws of the Federation of Nigeria 2004.

The said charge was duly signed by Malik D. Taiwo Esq. of the Inspector General of Police Special Task Force on Heinous Crime, SARS Office FCT – Abuja. The Defendants pleaded not guilty to the 3 count charge.

In prove of this charge against the Defendants, the prosecution called five (5) witnesses.

Abubakar Gimba testified as the PW1. In his evidence-in-chief, he stated that he knows the 1st Defendant Anayo Eze who is his neighbor at Guaraka Market, Suleja, Niger State; that the 1st Defendant sell glass at the market; That sometimes in November

2014, the 1st Defendant approached him and sold a E5 Nokia Phone to him at the cost of N5,000.00 with a touch light Nokia.

The PW1 further stated that in the month of February, 2015, he received a recharge card to his phone but did not know who sent it. The person later called and introduced herself as Joy. On 6/2/15 the said Joy called to tell the PW1 that she is in Abuja and that he should come to meet her. When the PW1 arrived to her place, she came to receive him only for the PW1 to see SARS Police in the house and he was arrested and taken to their office.

On reaching to the SARS office, he was beaten and asked who he killed. The PW1 told them that he did not do anything that they were saying. The next day he was asked as to which phone did he use on a certain date and he told them it was E5 and he told them that it was Anayo that sold it to him and he directed them to where they will find Anayo and that is how they found Anayo.

Under cross-examination of PW1 by the 1st accused person counsel, the PW1 stated that he has known Anayo for 3 years. Anayo has not sold any phone to him before except for the E5 Nokia. The PW1 further stated that on 6/11/15 when a card was sent to him, he was not using the phone that Anayo sold to him. That Anayo told him that he bought the phone when selling the phone to him. The 2nd Defendant's counsel has no question for the PW1.

Under cross-examination by the 3rd Defendant's counsel, the PW1 stated he was hand-cupped, his hands at the back and they used stick to hit all his joints as a result he cannot even walk.

Under cross-examination by the 4th and 6th Defendant's counsel, the PW1 stated that he did not know the 4th and 6th accused persons before.

Under cross-examination by the 5th Defendant's counsel, the PW1 stated that he never had any dealing with the 5th accused person.

Under re-examination, the PW1 stated that the 1st accused Anayo did not give him receipt when he bought the phone from him. PW1 was accordingly discharged.

Ifeoma Eze testified as the PW2. In her evidence-in-chief, she stated that she knows the 1st and 6th Defendant. That the 6th Defendant Augustine Nwanba was a family friend and very close to her husband. That when she was invited to make statement at SARS office, she met Anayo Eze there. The I.P.O. gave her an MTN Sim card and she inserted it in her phone and when she turn it on, it display her husband's sim card number. The I.P.O. told her that the sim card was recovered from Anayo's room. That it was the 6th Defendant that narrated the story of how her husband was killed to her.

Under cross-examination by the 1st Defendant's counsel, the PW2 stated t hat she did not know the 1st Defendant prior to meeting him at SARS. That she asked Anayo why he killed her husband

because the sim card was discovered from his room. That Anayo did not tell her the name of the person that sent them to kill her husband and that she did not know how Anayo got her husband's phone.

Under cross-examination by the 2nd Defendant's counsel, the PW2 stated that she did not know the person that sent Anayo to kill her husband.

Under cross-examination by the 3rd Defendant's counsel, the PW2 stated that the display on her phone show the sim number of her husband when she put the sim given to her by the I.P.O. The 4th and 6th Accused person counsel did not cross-examine the PW2.

Under cross-examination by the 5th Defendant's counsel, the PW2 stated that she did not know the other people involved in the killing of her husband; she know only 2 of the people she met at the 6th Defendant's house that are friends to her late husband; that the 5th Defendant was not among the 2 friends of her husband.

No re-examination, PW2 was discharged.

The PW3 Eval Eze in his evidence-in-chief stated that he know the 6th Defendant as his late brother's friend and know the other Defendants in the cause of investigation.

That on the 6/11/14 at about 8:30 p.m. he got a telephone call from the 6th Defendant; that his brother has been shot by unknown gunmen at Tunga Maje – Zuba.

On getting the information, the PW3 proceeded to Zuba Police Station, there the 6th Defendant narrated to him how it happened. That on that day around 5:00 p.m. they went out for a drink at Tunga Maje and after taking drinks, they were 3 in number, the 6th accused, his late brother Anthony Eze and Shofola David; that Shofola David left the scene 40 minutes before the 6th accused and his late brother left the place where they had drinks.

The 6th accused person and late Anthony Eze decided to go to another joint in a convoy, 6th accused was at the front. The 6th accused informed the PW3 that about 30 metres where they had drinks.

As the 6th accused was trying to cross to the other side he heard a gun shot and he proceeded to where they said they will have another drinks; that a girl that was serving at a place where they had drinks called him on telephone and the 6th accused made a u-turn and returned to the place where they had drinks and that he saw the PW3's brother laying down and blood all over him; that the handset of his brother was taken away by the people that shot him.

The PW1 further stated that during investigation, his late brother's phone was recovered and the sim card from the 1st Defendant; that the 1st accused confessed that it was the 6th accused person that hired them to eliminate his late brother and they were paid N1.2 Million. The PW3 further stated that he had the believe that the 6th accused person is the master minder in killing his late brother.

Under cross-examination by the 1st Defendant's counsel, the PW3 stated that he made statement to the police in respect of this case. That he was informed at Zuba Police Station how the phone got lost; it was the 6th Defendant that told him how the phone got missing.

Under cross-examination by the 2nd Defendant's counsel, the PW3 stated that he did not know the 2nd accused person; that the 1st accused person confirmed that it was the 2nd accused person that shot Anthony Eze. That he was present when the 1st accused made the confession.

Under cross-examination by the 3rd Defendant's counsel, the PW3 stated that he did not know the 3rd accused person before the death of his brother. The PW3 further stated that he was present when the police was investigating the person that bought the phone. The police did not adopt method of beating or torturing the buyer of the phone in obtaining his statement; that he was there from the beginning to the end of interrogation of the person that bought the phone. The 1st accused person was also not beating or tortured when the police were obtaining his statement.

The 4th Defendant's counsel have no question for the PW3.

Under cross-examination by the 5th Defendant's counsel, the PW3 stated that he did not know who hired the Defendants to kill his brother.

Under cross-examination by the 6th Defendant's counsel, the PW3 stated that he did not know all the friends and business partners of

the deceased; that it is not because of the N5 Million that he said the 6th accused is the mastermind of killing of his brother. It was the 6th accused person that reported the case to the police. Some of the expenses for the mortuary were paid by the 6th accused.

The PW3 further stated that his late brother and the 6th accused were friends and they used to travel together and his brother's returned home safely.

That the 1st accused person made confessional statements in his presence and that it was the 6th accused person that paid him (1st accused) N1.2 Million to assassinate late Anthony Eze. That he did not know what the police did to the 1st accused before they brought him out.

No re-examination, PW3 was discharged.

Omale Idris, a Police Corporal testified as the PW4. In his evidence-in-chief, he stated that he only know the 6th Defendant; that sometimes in November 2014 while on night duty at the Divisional Crime Branch, Zuba Police Station FCT, Abuja at about 20:05 hours one Augustine Ajimba came and reported at the Charge Room Office that his best friend with whom they went together to a nearby beer parlor to take some beer was accosted and shot.

Upon the report, the Divisional Police Officer, the PW4 and all the patrol team rushed to the scene of crime. On reaching there, they saw the victim lying down close to his car. Photographs were

taken therein. Thereafter the body of the deceased was moved to Abuja University Teaching Hospital, Gwagwalada where a card was issued. The UATH Hand Card with No. 277658 dated 6/11/14 was admitted in evidence as Exhibit A.

The PW4 further stated that Doctor's Report was issued upon filing of Coroners Form. The Coroner Form and Medical Report were admitted in evidence as Exhibit B1 and B2 respectively.

The witness also stated that due to the nature of the offence and the equipment needed to carry out the investigation, the Force CID took over the matter.

Under cross-examination by the 1st Defendant's counsel, the PW4 stated that it took them less than 30 minutes to go to the scene of the crime when the case was reported. When they got to the scene people were gathered. It was the 6th accused that told the PW4 that the deceased phone was missing.

The PW4 stated that they concluded a –preliminary investigation before they transferred the matter to the C.I.D.

Under cross-examination by the 2nd Defendant's counsel, the PW4 stated that it was because they do not have equipment to investigate the case that was why they had to transfer it to the Force Headquarters. That after they transferred the case he seized to know anything about the matter.

Under cross-examination by the 3rd Defendant's counsel, the PW4 stated that he did not know the 3rd accused person.

Under cross-examination by the 4th Defendant counsel, the PW4 stated that he did not know whether the 4th Defendant know anything about the case or not.

Under cross-examination by the 5th Defendant's counsel, the PW4 stated that he did not know the 5th accused person and did not also know ether the 5th accused is relevant to any investigation or not.

Under cross-examination by the 6th Defendant's counsel, the PW4 stated that it was the 6th Defendant that reported the incident to the station.

It was the 6th Defendant that led them to the scene of the crime on reaching the scene they met the deceased lying down. We also met some people around the body of the deceased.

The 6th accused advice that the police should make sure that the assailant must be brought to book. The 6th accused assisted the police on their investigation.

No re-examination, PW4 was discharged.

Benjamin Etubi, an Assistant Superintendent of Police (ASP) testified as the PW5. In his evidence-in-chief, he stated that on 1/12/14, a petition written by Abel Eze dated 18/11/14 address to Inspector General of Police was assigned to his team for investigation. The petitioner was invited and he made a statement. Thereafter the PW5 requested for the phone number of the deceased and he was given; that from the phone number

they were able to discover one of the handset of the deceased taken away i.e. Nokia E5. They also discovered that one Abubakar Jimba inserted his sim card in that Nokia E5. The Police started working on Abubakar Jimba's number and he was arrested on 6/2/15.

Abubakar Jimba informed the police that he bought the Nokia E5 from the 1st accused person for N5,000.00 in November 2014. The 1st Defendant was subsequently arrested on 7/2/15. During the interview with the 1st Defendant, he confessed to the PW5 as to how he got the handset. He was asked to write his statement, he said he cannot write. The handset Nokia E5 was admitted in evidence as Exhibit C.

It is the evidence of PW5 that he cautioned the 1st accused person before he volunteered his statement and he signed. He gave his statement in English and the PW5 wrote it as he said he could not write.

The PW5 further stated that after the 1st accused person made his statement, the PW5 took the 1st accused to a superior officer who in turn read the statement back to the 1st accused and he agreed to have made the statement voluntarily.

The witness further stated that in the cause of his investigation, he secured a search warrant and he led a team to the house of the 1st accused person and conducted search where they recovered 4 sim cards. The MTN sim card recovered from the 1st accused person's room was that of the late Anthony Eze.

On further investigation, the 1st accused said that it was the 2nd accused person that gave him the handset of the late Anthony Eze. The 2nd accused was accordingly arrested. The 2nd accused wrote his statement by himself.

The PW5 further stated that the 1st accused said sometime in late October to early November, 2014 the 4th accused called on phone. The 4th accused person is a teacher in Zuba motor spare parts dealer and said he want a **“Killer Squad”** as he want somebody life to be terminated.

It is the evidence of PW5 that on 6/11/14 at about 6:00 p.m. the 5th accused person called the 1st accused person to report to Church Road Zuba with his motorcycle and there he met the 2nd, 3rd and 5th accused person including the 4th accused person who called him.

The 1st accused person convey the 2nd and 5th accused persons on his motorcycle while the 4th accused person took the 3rd accused person in his car and all headed to U.K. Beer Parlour Joint, Tunga Maje where they met the 6th accused person, the late Anthony Eze on the table drinking while the 2nd, 3rd and 5th accused person on another table in the same beer parlour. The 1st accused person was instructed to remain on the motorcycle by the main road. As the 1st accused person was sitting on his motorcycle, he cited the 6th accused who left his table to go and speak with the 2nd, 3rd, 4th and 5th accused person who sat on a different table. After discussing with them, the 6th accused went back to his table and after about 3 minutes he drove up and the

late Anthony entered his own car and when he was about to take off, the 2nd accused person brought out a pistol and shot the late Anthony while the 5th accused person fire on air and people ran away. The 2nd accused person took one of the handset of Anthony Eze and they dispatch.

All the above facts was stated in the 1st Defendant's confessional statement.

The 2nd, 3rd and 5th accused person admitted to belong to the cult but denied killing Anthony Eze.

The PW5 further stated that the 1st accused person informed him that it was himself and the 2nd, 3rd, 4th and 5th accused persons that killed Anthony Eze at a drinking joint at Tunga Maje. The 1st accused led him and his team to the houses and hideout of the 2nd, 3rd, 4th and 5th accused person before they effect arrest on them. The 2nd – 5th accused persons' statement was taken.

The witness further stated that late Anthony Eze was sitting with 4 or 5 people drinking on the day of the incidence; that in the cause of his investigation, the PW5 visited the scene of the crime and recorded the statement of some people from that place.

After the arrest of the 1st – 5th accused person, the 6th accused person was invited to the PW5's office and volunteered a statement under the word of caution.

The witness also stated that in the cause of his investigation, he discovered in one of the account of late Anthony Eze with the First

Bank Plc, that in October 2014 the late Anthony Eze transferred N5 Million to the account of the 6th accused person; that raised suspicion in the mind of the PW5. The 6th accused admitted that the said sum of N5 Million was transferred to him, that the money was used for the exchange for dollars used.

The Search Warrant and 4 sim cards recovered from the 1st accused person's house were admitted in evidence and marked Exhibits D, E1 – E4 respectively.

The statement of the 4th Defendant was admitted in evidence and marked Exhibit F.

The 3rd Defendant's statement as admitted as Exhibit G. The 2nd, 5th and 6th Defendants' statements were admitted in evidence and marked Exhibits H, I and J respectively.

Letter captioned "Re-Investigation Activities on Account No. 3018397294 dated 20/2/15 was admitted in evidence and marked Exhibit H.

A trial-within-trial was conducted with respect to the admissibility of the 1st Defendant extra judicial statement after which the said 1st Defendant's statement was admitted in evidence as Exhibit K.

Under cross-examination of PW5 by the 1st Defendant's counsel, the PW5 stated that the 1st Defendant made a confessional statement; that they did conducted investigation which led to the recovering of sim card of the deceased from the 1st Defendant's house.

In the confessional statement of the 1st Defendant, the PW5's evidence and the Director's Report confirmed that it was gun that was used in killing the deceased. The police did not recover the said gun.

The PW5 also stated that it was the owner of the shop that first discovered the deceased when he was shot.

It is the evidence of the witness that he did not investigate the account of the 1st Defendant when the 1st Defendant was arrested; there was no reasonable money found on him. The witness did not recover any money from the 1st Defendant's house. He did not also recover the motorcycle used in committing the crime.

That the police has phone tracking equipment. The PW5 said he did not track the conversation of the Defendants between 20/11/14 to the time of their arrest.

Under cross-examination by the 2nd Defendant's counsel, the PW5 stated that the 1st and 2nd Defendant were arrested the same day but their statements were not recorded the same day.

The PW5 further stated that the 2nd Defendant is living in Zuba along the Church Road. When he arrested the 2nd Defendant he met him with a woman whom the 2nd Defendant said was his wife.

Under cross-examination of PW5 by the 3rd Defendant's counsel, the PW5 stated that he led the team that arrested the 3rd Defendant. His house was search but nothing was recovered.

That the owner of the bar made statement. PW5 told the court that his investigation reveals the role played by the 3rd Defendant in committing the crime.

Under cross-examination by the 4th and 6th Defendant's counsel, the PW5 stated that he did not conduct search in the house of the 4th Defendant as it was not necessary.

That the 4th Defendant never informed him that he was with his master at the time of the commission of the offence.

The investigation team did not recover the gun. The motorbike used in committing the crime was also not recovered.

The PW5 stated that he rely on the statement of the 1st Defendant, the exhibits recovered and the circumstances surrounding the murder of the deceased.

About 3 people went out with the deceased on the day he was murdered. One of them is an Immigration Officer. Investigation reveals that the Immigration Officer left before the deceased and the 6th Defendant. The PW5 said he would not know what made him to leave before the others. That the Immigration Officer was not invited and was not part of his investigation.

The witness stated that the 1st Defendant did not mention the name of the 6th Defendant but described him.

Under cross-examination by the 5th Defendant's counsel, the PW5 stated that the 5th defendant was arrested in his room.

The PW5 informed the court that he did not visit Lokoja, Kogi State in the cause of investigating this case. That he was not aware that the 5th Defendant said in his statement that he was at Lokoja working with his boss on the day of the incidence.

No re-examination, PW5 was discharged and that is the case fo4r the prosecution.

The Defendants filed a No-Case-Submission, however, in the wisdom of the court the no-case-submission was overruled and the Defendants were directed to enter their respective defence.

The 1st Defendant Anayo Eze testified as DW1. In his evidence-in-chief, he stated that he deals on aluminum work and also sell glasses.

That on 6/11/14, after closing his shop, he drove to his mother's house. He complained to his mother that he did not understand his body and she went and brought medicine for him; that was around 7 – 7:30 p.m.

Then his brother came into the room and told him he needed money for school fees. The 1st Defendant told the brother he had no money with him; unless the brother will follow him to his house. They both went to his house using his lady machine. It is the evidence of the DW1 that close to his house he saw people together and he parked his lady's machine, and went to where the people were gathered and they say it was armed robbers that went to the place.

The DW1 then turned back and followed the road side and he stepped on something and it show light and he carry it; only to discover that it was a phone. On reaching to the place where he parked his machine, his brother asked him what he was holding and he said to him it was a phone he discovered from the ground. They then drove to his house.

The following morning, while he was going to his shop, he took the phone to charge it. He removed the sim in the phone and put his own sim and started using it. He could not operate the phone properly because it was a big phone. He then sold the phone to Gimba for N5,000.00.

The witness further stated that on 5/2/15 while he was in the shop doing work, a strange number called him that he want him to do work for him at Airport. He told him he was busy in the shop. Later the person traced him to the shop and he told his boss that they wanted him to follow him to Airport to check some work there. His "Oga" gave the go-ahead. That on reaching to the Airport, the driver drove to the Airport Police Station. On getting inside the police station, the man that took him from the shop slapped him and a lady also joined in slapping him. On trying to find out what was happening, the man that slapped him identified himself as DSS Officer. He ordered the policeman to put him behind the counter. While he was trying to phone, his "Oga", the DSS man collected the phone, the Diamond Glass cutter, tape, marker and the sum of N11,500.00. He was then put inside cell.

The DW1 said he was later hand-cuffed and taken to SARS office; while on their way the I.P.O. ask him whether he know Abattoir where there is life and death. The DW1 answered him that he had never been to the police station talkless of SARS.

On getting to SARS Office, he was asked whether he can write and he told the I.P.O. No. The I.P.O. asked him of his Bank account and he told him he had none. The I.P.O. further asked him about his name, State, school attended and he told him everything. The I.P.O. further asked him the phone he used last and he said it was E5 Phone he got on his way going to his house. He used the phone for one month and later gave it to Gimba for N5,000.00 with Nokia Phone; that the sim of the phone is inside his room.

The DW1 said that the I.P.O. after writing what he wrote, asked him (DW1) to sign and he signed it like this "A. E".

That one Tijjani who followed the I.P.O. gave him a slap and asked him where is the gun? The DW1 told him that since his birth he had not touch a gun. That he was taken to the back of the building and was tortured. He insisted that he had no gun. That the I.P.O. DSS man and Tijjani beat him to the extent that he fainted and when he woke up he saw water and blood all over his body. The I.P.O. said he should cooperate with them, if not he will kill him and nobody will know his whereabouts. He then told the I.P.O. that he had N2 Million with gun in his house. They proceeded to the DW1's house, when they got there the I.P.O. ask for the gun and the money. The DW1 told them that he had no gun and he had

no N2 Million but N20,000.00. They broke the ceiling of his room down and they found nothing. The I.P.O. parked all the electronic in his house. The next day the I.P.O. brought paper and asked him questions and if he did not answer he will beat him; that the I.P.O. asked him how they did the robbery and he denied and the I.P.O. beat him up till he agreed.

Under cross-examination of DW1 by the prosecution counsel, the DW1 stated that he found Exhibit C the handset on the ground on 6/11/14 but did not know the owner. That he was given N5,000.00 with a touch light phone in exchange for the phone he found on the ground.

The DW1 further stated that the statement on Exhibit K was not his own statement. That the statement he made the I.P.O. asked him from where he was, his father's name, school attended and where he work. That he did not sign Exhibit K.

DW1 further stated that he told the I.P.O. that Emma was his childhood friend and Emmanuel's "Oga" used to give him job, Idris and Oke are neighbours to Samuel.

Under cross-examination by the 2nd and 3rd Defendant's counsel, the DW1 stated that himself, 2nd and 3rd Defendants did not belong to any cult; that the statement in Exhibit K is not his statement. The 2nd and 3rd Defendants are neighbours to 5th Defendant. That he did not conspire with anybody, the 2nd and 3rd Defendants did not do anything before they were arrested.

Under cross-examination by the 4th and 6th Defendant's counsel, the DW1 stated that he never met the 6th Defendant before he was arrested. That he saw the 6th Defendant for the first time at SARS office; that the 4th Defendant did not give him any money. All that is contained in Exhibit K is not true.

The DW1 further stated that he and the 4th Defendant never committed any crime; that the 4th and 6th Defendants were just framed by the police.

Under cross-examination by the 5th Defendant's counsel, the DW1 stated that the police did not find anything in his house to show that he belong to secret cult and also did not come out with anything to show that the other Defendants belong to a secret cult.

The DW1 also gave evidence of the fact that the 5th Defendant's "Oga" work in Lokoja. That he did not see the 5th Defendant on 6/11/14.

Under re-examination, the DW1 stated that the introductory part of Exhibit K about him is correct.

Onyeka Ezechukwu the younger brother to the 1st Defendant testified as the DW2. In his evidence-in-chief, he stated that on 6/11/14 he came for weekend from school, he met his mother at home and told her that he had no provision at school. The mother told him to wait for the 1st Defendant (his elder brother) and that anything he give to him, she will make it up to enable the DW2 go back to school on Sunday.

When the DW1 came to see his mother, the DW2 informed him that he had no provision. The DW1 told him that he was not feeling fine but that if he is going to his house, they should all go together.

At about 7 – 7:30 p.m. they both proceeded to the DW1's house while on the way they met people gather and his brother (DW1) said he will go and find out what was happening; while the DW2 stayed back to look after the motorcycle. After sometime the DW1 came back and told him that somebody was shot; that the DW1 gave him 2 handsets, while returning home he asked the DW1 who had the other handset and he told him that he picked the handset from the ground. The next day the DW2 left for his mother's house after the DW1 gave him N5,000.00; thereafter he proceeded to school.

Under cross-examination by the 2nd Defendant's counsel, the DW2 stated that he did not know the 2nd Defendant. He did not see him in the place where the incidence took place.

Under cross-examination by the 3rd Defendant's counsel, the DW2 stated that he did not see the 3rd Defendant at the scene of the incidence.

Under cross-examination by the 4th and 6th Defendants counsel, the DW2 stated that nobody contacted any of his relations as to the whereabouts of the 1st Defendant. That the 1st Defendant had lady's machine; it is small and can carry only one person at a time.

Under cross-examination by the 5th Defendant's counsel, the DW2 stated that he did not know the 5th Defendant and he did not see somebody like him at the scene on that day.

Under cross-examination by the prosecution counsel, the DW2 stated that aside his brother (1st Defendant) he knows the 4th Defendant only; that the 1st Defendant picked the phone at the scene of the incidence (Nokia Phone). The 1st Defendant did not tell him who owns the phone; that the DW2 got to know that the phone belongs to the person that was killed. The DW2 further stated that the 1st Defendant gave him N5,000.00 the next morning after his visit; that the 1st Defendant got the money from his hand-work.

No re-examination, DW2 was discharged.

Jennifer Idris the wife to the 2nd Defendant testified as the DW3. In her evidence-in-chief, she stated that on 6/11/14 between 2:00 p.m. and 12 midnight she was together with the 2nd Defendant (her husband) in Church Road, Zuba.

The DW3 further stated that she was never invited by the police for interview in respect of this case. No policeman visited their house in respect of this case. That she only know the 3rd and 5th Defendants as associate of her husband (the 2nd Defendant). That they stay in the same house with the 3rd and 5th Defendants.

Under cross-examination by the 1st Defendant's counsel, the DW3 stated that when the police came to her house in the night they

searched the house but could not find anything. That she did not know the 1st Defendant.

Under cross-examination by the 3rd Defendant's counsel, the DW3 stated that the 2nd, 3rd and 5th Defendant live in the same compound. The 4th and 6th Defendant's counsel did not cross-examine the DW3.

Under cross-examination by the 5th Defendant's counsel, the DW3 stated that the 5th Defendant lives in the same compound with the 2nd Defendant; that they do not do the same business. The 2nd Defendant is not a member of any cult group.

Under cross-examination by the prosecution's counsel, the DW3 stated that the 2nd Defendant normally lives the house around 7 – 8 a.m. for work and return 3 – 4 p.m. The 2nd Defendant installs foreign doors.

That she will be surprise to hear that the 2nd Defendant is a member of cult group; that they live in the same premises with the 3rd and 5th Defendants.

No re-examination, DW 3 discharged.

Idris Shuaibu (the 3rd Defendant) testified as the DW4. In his evidence-in-chief, the DW4 stated that he is a contractor of foreign doors installation. That he only know Nelson and Samuel Okoro amongst the Defendants. They are his neighbours. The DW4 further stated that on 6/11/14 he was in his house with his wife and daughter at Church Road, Zuba. That he was arrested by the

police on 7/2/15 in his room. The next day when he regained consciousness, he was told that he was at SARS cell. That he made statement on the 9/2/15, he told the police of his whereabouts on the 6/11/14. That he was with his family in his house as he was not feeling well. That his wife was not invited by the police for any statement; that he did not commit any robbery or kill Anthony Eze. After his arrest the police did not take him back to his house and he was later arraigned before this court.

Under cross-examination by the prosecution counsel, the DW4 stated that on 16/11/14 was his birth day, he did not go anywhere.

The DW4 further stated that he know 2 of the Defendants whom he said lived together in the same premises, but did not know the remaining Defendants.

Under cross-examination by the 1st Defendant's counsel, the DW4 stated that apart from the two Defendants who are his neighbours, he did not know the remaining Defendants. That he met the 1st Defendant in SARS. That on the 6/11/14 he was in his house with his wife and children.

The witness further stated that he made statement to the police in SARS to the effect of his whereabouts on 6/11/14. The statement was never investigated by the police.

Under cross-examination by the 3rd Defendant's counsel, the DW4 stated that the 3rd Defendant lives in their neighbourhood. He did not know anything about the 3rd Defendant.

Under cross-examination by the 4th and 6th Defendant's counsel, the DW4 stated that the 5th Defendant live in the same street with him. That he did not know the 4th and 6th Defendants before then. He did not conspire with any of the Defendants to commit any crime.

No re-examination, DW 4 was discharged.

Okechukwu Nelson (the 3rd Defendant) testified as the DW5. In his evidence-in-chief, he stated that before this case he know the 2nd and 5th Defendants who are his neighbours. That he sells second hand cloth.

The DW5 further stated that on 6/11/14 between 5:00 – 8:00 p.m. he was in Madalla Market where he sells cloth. That his neighbours in the market will testify that he was in the market on that day and time. The witness also stated that he did not write nor sign any statement at the police station as he told them he did not know how to write. That he did not write or sign Exhibit G. In the cause of DW5's evidence-in-chief, his specimen signature was admitted in evidence as Exhibit I.

The DW5 went further to state that he did not kill anybody.

Under cross-examination by the 1st Defendant's counsel, the DW5 stated that he did not know the 1st Defendant and had never seen him before. They met for the first time in SARS office.

Under cross-examination by the 2nd Defendant's counsel, the DW5 stated that the 2nd Defendant is his neighbour.

Under cross-examination by the 4th, 5th and 6th Defendant's counsel, the DW5 stated that before he went to SARS, he did not know the 4th and 6th Defendants. That he did not belong to any cult.

Under cross-examination by the prosecution's counsel, the DW5 stated that Madalla Market closes at 8:30 p.m. That he had been selling second hand cloths for 4 years; that he told the I.P.O. that he is from Anambra State and he dropped at primary six not SS1. That it was the I.P.O. that asked from where he came from.

Under re-examination, DW5 stated that he was selling second hand cloths 4 years before his arrest.

Ofodile Ndimyelu, a businessman testified as DW6. In his evidence-in-chief, he stated that he is selling cloth. That on 6/11/14 he and the 3rd Defendant (Ikechukwu Nelson) were together in the market from morning to about 8:30 – 9:00 p.m..

Under cross-examination by the 1st and 2nd Defendant's counsel, the DW6 stated that he sell used cloth; that he was with the 3rd Defendant on 6/11/14. The 4th, 5th and 6th Defendants counsel had no question for the witness.

Under cross-examination by the prosecution's counsel, the DW6 stated that he stay in Madalla market with the 3rd Defendant. The closing time for the market is 10:00 p.m. That on 6/11/14 they both closed around 9:00 p.m. with the 3rd Defendant.

The DW6 further stated that he told the police I.P.O. what he stated in his evidence before the court at SARS Office; that he also told a police officer by name Igwe.

No re-examination, DW6 was discharged.

The 4th Defendant Emmanuel Igwe testified as the DW7. In his evidence-in-chief, he stated that he is a businessman that deals in tyres at Zuba Space Parts Market; that before his arrest he knows the 1st Defendant for over 10 years.

The witness further stated that on 6/11/14 he was at his shop at Zuba Market and left the shop around 6:00 p.m. to his boss's warehouse at Federal Housing Kubwa. After off-loading the goods he went back home.

The DW7 further stated that on 7/2/15 he was arrested by the police and his car was searched and nothing was found. And that after the arrest of other Defendants, the police told him that it was the 6th Defendant that asked him to call the 1st, 2nd, 3rd and 5th Defendants to kill somebody. He told the police that he never say anything like that; that after the arrest, they were taken to the D.C.O's office, where they explained to him how they were all arrested. The D.C.O. directed the I.P.O. to track the Defendant's calls on their line.

Under cross-examination by the 1st and 2nd Defendants' counsel, the DW7 stated that it was long they communicated with the 1st Defendant before 7/2/15.

That the 2nd Defendant was tired with a robber at SARS because he said he did not use any gun to kill the deceased.

Under cross-examination by the 3rd Defendant's counsel, the DW7 said he did not know the 3rd Defendant.

Under cross-examination by the 5th Defendant's counsel, the DW7 stated that he saw the 5th Defendant for the first time on the day he was arrested.

Under cross-examination by the prosecution's counsel, the DW7 stated that his boss appointed him the manager of the company. They take care of tyres. That the drop he took to Kubwa were trailer full. That the police cancelled the 1st statement he wrote; that his boss visited him at SARS Office.

No re-examination.

The 5th Defendant Samuel Okoro testified as DW8. In his evidence-in-chief, he stated that he is a Carpenter; that in November 2014, he was in Lokoja with his "Oga" doing work at Civil Defence Barracks, Lokoja, Kogi State. That they stayed there till 22/12/14 when they came back to Abuja.

That he and his "Oga" lived in the same house.

The witness further stated that on 7/2/15 at about 7:00 p.m. he received a call through his phone and when he wanted to pick it, he discovered his call was picked but nobody spoke to him.

At about 8:00 p.m. the same day, he went to sleep and around 3:00 a.m. some people broke into his room; they asked him about his gun; he told them that he had no gun and had never touch a gun in his life. They searched the room but they did not see anything.

The I.P.O. in this case Danjuma carried the DW8's phone and he was beaten and handcuffed and carried away to SARS Office.

The DW8 further stated that he told the I.P.O. that on 6/11/14 he was at Lokoja. The DW8 told the I.P.O. to get his "Oga's" number from his phone and call him but the I.P.O. refused. After staying in the cell for 3 days, they brought them to court.

Under cross-examination by the 1st Defendant's counsel, the DW8 stated that he knows the 1st Defendant one year before the 7/2/15 through his "Oga", who do give the 1st Defendant work. That when he saw the 1st Defendant the night he was arrested, the 1st Defendant was weak and rough. There was blood all over his shirt. The witness stated that he was beaten to force him agree to what they said. And that he did not arrange with the Defendants to kill anybody.

Under cross-examination by the 3rd Defendant's counsel, the DW8 stated that he knows the 3rd Defendant before their arrest. They were living in the same compound. That he sells cloth. He did not belong to any ground with the 3rd Defendant.

Under cross-examination by the 4th and 6th Defendant's counsel, the DW 8 stated that on 6/11/14 he was at Lokoja working. He did not know the 4th and 6th Defendants before his arrest.

Under cross-examination by the prosecution's counsel, the witness stated that he was at Lokoja on 6/11/14 working at Civill Defence Barrack. He was there till 22/12/14; that his "Oga" was aware that he was arrested and that his "Oga" came to SARS Office.

No re-examination.

Madam U.K. Nkiria Okeze testified as DW9. In her evidence-in-chief, she stated that she knows only the 6th Defendant and also the Late Anthony Eze and Innocent David who were friends. They were her customers in respect of the beer parlour.

That on 6/11/14 around 6:00 p.m. the 6th Defendant, Innocent, Anthony and a fourth person came into the beer parlour.

After they drank, Innocent and the other man left, then the 6th Defendant left and the last to live was late Anthony.

After sometime she saw people running up and down. She saw late Anthony's vehicle light and she went to the place and saw late Anthony lying down after being shot. The DW9 then asked her daughter to call the 6th Defendant and she called him, the 6th Defendant came to the scene and later left to call the police.

The witness further stated that after the incidence, she closed the beer parlour; she also informed this court that the other

Defendants did not come to her beer parlour on the day of the incidence.

Under cross-examination by the 1st and 2nd Defendant's counsel, the DW9 stated that she never saw any person amongst the Defendant on that day apart from the 6th Defendant. The 3rd Defendant's counsel had question for the DW9.

Under cross-examination by the 5th Defendant's counsel, the DW9 stated that she did not tell the police that it was only the 6th Defendant that that came to her beer parlour on the day of the incidence amongst the defendants.

Under cross-examination by the prosecution counsel, the DW9 stated that she knows all her customers. That it was only Anthony Eze and his friend that were in the beer parlour on that day (6/11/14). They were 4 in number including Anthony. That she can recognize the friend of late Anthony Eze that came with him on 6/11/14 to the beer parlour; that one of them is the 6th Defendant; that she had not seen the two other persons that came with Anthony Eze since they day of the incidence.

Under re-examination, the DW9 stated that the 6th Defendant, late Anthony Eze and the other 2 friends were her regular customers. That they were the only customer she had on that day.

DW9 was discharged.

Olutobi Oluwatobilobi Emeke, a subpoenaed witness, testified as DW10. In his evidence-in-chief stated that he subpoenaed to produce some documents and testify.

The subpoena ***Duces Tecum/Ad Testificandum*** dated 7/3/18 was admitted in evidence as Exhibit M.

The DW 10 further stated that he did not have the documents with him that they searched through their data base, based on the information supplied to them and did not find any such name in their Data Base.

The 1st, 2nd, 3rd and 5th Defendant counsels do not have any question for the DW 10.

Under cross-examination by the prosecution's counsel, the witness stated that the account number is that of BICTONEX.

No re-examination, DW10 was discharged.

Mr. Innocent David testified as the DW 11. In his evidence-in-chief, he stated that the 6th defendant, late Anthony Eze and himself were friends.

That on 6/11/14 after they had closed shop late Anthony Eze met him and the 6th Defendant and asked them to come and celebrate with him as the shipment he made left the shores of China that day.

The witness further stated that they proceeded to Nsukka woman beer parlour. When they got to the place, they were served with

drinks and pepper soup. Ten minutes later one Immigration Officer joined them and they became 4 in the group.

Before they could finish the first bottle there was cloud and wind and there was a heavy rain.

After the rain, the place was so dark and there was no light in the shop. The place became uncomfortable and they decided to leave the place.

That while we were going, Mr. Anthony Eze was busy with the owner of the shop paying the bill and he was the last to come out of the shop.

The Immigration Officer moved his car, the DW 11 followed and the 6th Defendant was coming behind them.

After sometime the 6th Defendant called to say that Anthony Eze was shot. Then they drove back to the place immediately and saw their friend Anthony Eze lying down on the floor; they called his name but he did not respond.

The 6th Defendant asked on what to do and he went and invited the police while the DW 11 was there within 15 minutes 4 or 5 policemen came to the scene. The police took the picture of the deceased and search him and his car. They brought out wallet from his pocket and Nokia Phone.

The deceased was then taken to Gwagwalada Specialist Hospital where the deceased's body was deposited at the mortuary.

The DW 11 and 6th Defendants followed the police to Zuba Police Station where they made statements.

The DW 11 further stated that he was arrested by the SARS Officers and later released by an order of court. The said Order dated 11/3/15 was admitted in evidence as Exhibit N.

The witness also stated that the 1st, 2nd, 3rd, 4th and 5th Defendants were not at the beer parlour on the day of the incidence.

Under cross-examination by the 1st, 2nd, 3rd and 5th Defendant's counsel, the DW11 stated that apart from the Police Station, he did not see the 1st, 2nd, 3rd and 5th Defendants; that a touch light was used in searching the car of the deceased. In the process the 6th Defendant informed the police that the deceased had one big phone which was missing. That was the only thing that was discovered missing.

Under cross-examination by the prosecution's counsel, the DW 11 stated that they have been friends with the deceased for over 20 years. That he had known the Immigration Officer that joined them for one year before the incidence. That since the incidence, he had not heard from the Immigration Officer.

No re-examination, the witness was discharged.

Chief Augustine Nwamba, the 6th Defendant testified as DW 12. In his evidence-in-chief, he stated that the late Anthony Eze was his friend.

It is the testimony of the DW 12 that on the 6/11/14; while he was sitting with David Innocent at about 5:00 p.m. the deceased came to tell them that they had to go out for a drink; that his container left China that day. They later proceeded to his choice place Nwanyi Nsukka under mango at Tunga Maje.

On their arrival, there was heavy rain and they went into the woman's shop. They had drinks and pepper soup. After the rain they all decided to leave the first to leave was Innocent David and the Immigration Officer while the deceased was paying for the bill and the DW 12 left.

The witness DW 12 further stated that it was only 4 of them that was in the beer parlour and the owner of the shop with her daughter.

Not up to 10 minutes he left, the daughter of the owner of the beer parlour called and told him that they have shot Anthony Eze.

The DW 12 stopped by the road side and called Innocent David when he did not pick the call. The DW 12 then called the Immigration Officer and told them what happened.

The DW 12 further stated that he turned and went back to the place on getting there he saw many people running, the deceased's vehicle was on with the head light on the top of heap of sand.

The DW 12 immediately proceeded to Zuba Police Station to report the incidence. That the incidence happened at about 7, it was dark already.

When the police men got to the scene, they took some pictures and searched the vehicle of the deceased. They got some money not up to N10,000.00 in his pocket. They also recovered one of the deceased phones. The DW 12 informed the police that the deceased had two phones. The Police ordered the DW 12 and his friend to put the deceased into their vehicle and they all proceeded to Gwagwalada Specialist Hospital. The doctor confirmed that Mr. Anthony was dead. The body was eventually taken to the mortuary.

It is the evidence of the DW 12 that he and the deceased's brother – Abel Eze and some of his cousins later went to SARS in search of the deceased lost phone.

That on 9/12/15 he had a call from Danjuma Itobi that the DW 12 is invited to the office. On reaching SARS, the DW 12 was asked to make a statement in respect of the death of the deceased. The DW 12 was also asked to make a statement in respect of the N5 Million and he did. Thereafter he was detained. That he saw the other Defendants in this case for the first time at SARS. They were not at the bar on the day of the incidence. That he did not brief anybody to kill late Anthony Eze. There is no reason for him killing Anthony Eze.

The late Anthony Eze did not hand over money to him. That he had his statement of account to show that late Anthony Eze transferred N5 Million into the DW 12 account with the 1st Bank and he in turn transferred same to the Bureau De Change operators.

Under cross-examination by the 1st and 2nd Defendants counsel, the DW 12 stated that he saw the 1st and 2nd Defendants for the first time in SARS Office. He also knows the 4th Defendant at SARS Office after his arrest. That he did not contact anybody to kill Anthony Eze or anybody. The 3rd and 5th Defendants counsel had no question for the DW 12.

Under cross-examination by the prosecution counsel, the DW 12 stated that he was not the one that change the dollars. The evidence of payment of the dollar to the deceased is in his Dollar Account. That the DW 12 obligation is to see that the money is transferred to the deceased's account. That his account will show that he transferred the money to the dollar man.

No re-examination.

Dorathy Anyakoria, a banker, testified as the DW 13. In her evidence-in-chief, she stated that she is in court as a subpoenaed witness and that she has the documents she was asked to bring. The CTC of the Statement of Account No. 2004551346 belonging to AUSTONO JANGAZA NIGERIA ENT. Of First bank of Nigeria Plc and Certificate of Compliance were admitted in evidence as Exhibit 0¹ and 0² respectively.

The DW 13 stated further that on 9/10/14 there was fund transfer of N5 Million from Eze Saving Account to AUSTANO JANGAZA Current Account. Both accounts are with First Bank.

On that same day there was a N5 Million transfer from AUSTANO Jangaza's account in First bank to Zenith Bank to account of Al-Gulam International.

The 1st, 2nd and 5th Defendant's counsel had no question for the witness.

Under cross-examination by the prosecution's counsel, the DW 13 stated that she joined First Bank in May 2nd, 2000 and had worked in different departments and currently Head of Branch Services.

No re-examination, DW 13 was discharged and that is the case for the defence.

The 1st Defendant's counsel filed a 12-page final written address dated 31/5/18 wherein counsel formulated an issue for determination, thus:

“Whether the prosecution has proved its case beyond reasonable doubt to warrant the conviction of the 1st Defendant as charged”

On this singular issue, it is the submission that it is elementary law that in criminal trial, the evidential burden to prove that the defendant is guilty as charged was on the prosecution. The standard of proof required under the criminal trial is proof beyond reasonable doubt. See Section 35 Evidence Act, Section 36 (6) of

the 1999 Constitution and the case of OKOH v STATE (2014) 3 – 4 MJSC 104.

On the issue of the 1st Defendant Confessional Exhibit K, it is submitted that the 1st Defendant in his testimony has testified the circumstances he made the statement. He testified of how he was tortured until he would answer affirmatively to question put to him by the I.P.O. and his cohorts. It was the IPO that recorded the statement and put the question to him. From the totality of evidence before the court, court is urged to hold that Exhibit K was not made voluntarily and that it should be expunged. See DELE v STATE (2011) 1 NWLR Pt 1229 P. 508.

Now on the proof of conspiracy to commit culpable homicide punishable under Sections 97 and 221 of the Penal Code, it is the submission that in order to establish this conspiracy has been committed by some set or group of persons, the law requires the prosecution to prove that:

- (a) An agreement between two or more persons to do or cause to be done, some illegal act or some act which is not illegal but by illegal means;
- (b) Where agreement is other than an agreement to commit an offence; that some act besides the agreement was done by one or more of the parties in furtherance of the agreement.

See OBASANJO-BELLO v FRN (2011) 10 NWLR Pt 1256 P. 605; STATE v AJULUCHUKWU (2011) 5 NWLR Pt 1239, 78.

It is the contention that in the instant case, the whole ingredients of offence of conspiracy were not proved. There is no positive and direct evidence to show that there is agreement by the defendants to kill the deceased or commit any other crime.

On the charge of culpable homicides, it is the submission that in *DELE v STATE (Supra)* the ingredients of the offence of murder that must be proved beyond reasonable doubt by the prosecution before a conviction can be secured in respect thereof are:

- (a) That the death of a human being has actually taken place.
- (b) That the death was caused by the accused person;
- (c) That such act of the accused person that caused the death was done with the intention of causing death or that the accused knew or had reason to know that death would be the probable and not only the likely consequence of his act. These ingredients must co-exist and failure on the part of the prosecution to establish any of them would result in an acquittal of the accused person.

It is submitted that in the instant case, the prosecution's failure to prove beyond reasonable doubt that it was the 1st Defendant and he alone that killed the deceased or that he participated in the killing of the deceased. The only material evidence that linked the 1st Defendant to the crime is Exhibit C. It is based on the same Exhibit C that he was arrested. There is

no evidence from eye witness to link the 1st Defendant to the crime.

In his defence, the 1st Defendant has shown how he came about the Exhibit C, the Nokia E5 phone belonging to the deceased. His testimony on this point was never discredited by the prosecution.

It is submitted that possession of Exhibit C raises a suspicion against the 1st Defendant. However, it is trite that suspicion no matter how grave, great or strong cannot amount to admissible proof that an accused person committed the alleged offence. See OLADOTUN v STATE (2010) 5 NWLR Pt 1217, Pg 490.

It is submitted that the prosecution has not established any prima facie case of culpable homicide against the 1st Defendant.

On the charge of Armed Robbery and possession of fire arm, it is the submission that the offence of robbery is proved properly when the prosecution has established the following ingredients without exception:

- (a) That the accused stole something
- (b) That the thing stolen is in law capable of being stolen.
- (c) That the accused threatened to use violence or actively used violence immediately after the time of stealing the thing.

See STATE v SALAWU (2011) 2 NWLR Pt 1279, 580.

It is further submitted that the essential ingredient of the offence of armed robbery are:

- (a) That there was a robbery.
- (b) That the robbery was an armed robbery.
- (c) That the accused was one of those who robbed or took part in the robbery.

In the instant case, the prosecution did not prove that there was a robbery. The prosecution did not show that the 1st Defendant came into the possession of Exhibit C by armed robbery and only by armed robbery, mere possession of Exhibit C without more does not conclusively show that the phone was obtained by armed robbery.

It is the contention that the prosecution failed to prove the allegation of armed robbery against the 1st Defendant.

Court is urged to discharge and acquit the 1st Defendant on all charge against him for the prosecution failed to prove their case beyond reasonable doubt.

The 2nd Defendant's counsel filed an 11-page final written address dated 18/7/2018 where counsel submitted sole issue for determination to wit:

“Whether the prosecuting authority proved the guilt of the 2nd Defendant beyond reasonable doubt in the face of the uninvestigated defence of alibi set up the 2nd Defendant”.

On this issue, it is the submission that the irresistible conclusion that can be drawn from the 2nd Defendant's statement in Exhibit G is that, on the 6th November 2014; he was with his family at his residence at Zuba and not any other place.

In fulfillment of the requirement of law, the 2nd Defendant buttressed his written statement with his oral testimony and also called evidence in support of his whereabouts at the material period of crime.

It is submitted that the evidence of the 2nd Defendant and that of his sole witness were every consistent on the defence of alibi timeously raised by him. The 2nd Defendant gave details of the alibi, sufficient enough for the prosecuting authority to investigate. See OBAKPOLO v STATE (1991) 1 NWLR (Pt 165) 113 Para A.

It is submitted that the 2nd Defendant has satisfied the requirement of law by discharging the onus on him. By that, the burden now falls on the prosecuting authority to investigate and disprove the defence of alibi set up by the 2nd Defendant. To worsen the prosecution's case, the I.P.O. in this case did not invite the wife of the 2nd Defendant who was with him (2nd Defendant) on the 6th November, 2014 to hear from her or even find out from the neighbours.

It is the law that once the defence of alibi has been raised, the burden is on the prosecution to investigate it and rebut such evidence in order to prove the case against the accused beyond

reasonable doubt. See AKOR v STATE (1992) 4 NWLR (Pt 234) 198 at 205 Paras F – G and 209 Paras B – C.

In the instant case, the defence of alibi put up by the 2nd Defendant was not investigated.

It is the submission that the PW5 is trying to leverage on the purported confessional statement of the 1st Defendant to bring the 2nd Defendant within the commission of the offences/charges against the Defendants; the said 1st Defendant confessional statement lacks evidential value and not probable. Besides, for it to be of any value, it must be corroborated by an independent evidence.

It is submitted that apart from the failure of the prosecution to rebut the defence of alibi set up by the 2nd Defendant, the prosecution have failed to prove beyond doubt the ingredient or essential elements of the offences against the 2nd defendant. It is further submitted that, when the evidence of the prosecution witnesses are analyzed separately and/or cumulatively, none points at the 2nd Defendant as committing any of the offences charged. PW1, PW2, PW3, PW4 did not say anything indicating the 2nd Defendant or brought him within the radius of committing any of the offences charged.

On the issue of the 1st Defendant confessional statement, it is submitted that the statement of the co-defendant which tends to indict a co-defendant is not admissible against the person it indicts. See Section 29(4) Evidence Act; TTITILAYO v STATE (1998) 2

NWLR (Pt 537) Pg 235 at 243 – 244. Paras G – A; D. Court is urged to hold that the prosecution has failed to peg the 2nd defendant at scene of crime, beside the failure to prove the essential elements of offences charged beyond reasonable doubt. Court is urged to discharge and acquit all the Defendants particularly the 2nd Defendant.

The 3rd Defendant's counsel filed a 9-page final written address dated 19/11/2018 wherein counsel formulated two issues for determination:

1. Whether the charge for conspiracy against the 3rd Accused along with the other accused persons was proved by the prosecution witnesses.
2. Whether the prosecution has proved its case against the 3rd Defendant beyond reasonable doubt.

On Issue 1, it is the submission that for the prosecution to secure conviction, it must prove the elements of the offence strictly as contained in the charge and equally prove that the Defendant committed the offence, without which the court should invoke the presumption of innocence on the accused as provided by Section 36(5) of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

It is submitted that for an offence of conspiracy to be grounded, certain ingredients must be proved thus:

1. That the conspirators may have communicated each other at a particular time and place and agreed with each other with a common design.
2. Communication in a circular or chained manner.
3. Information or communication by one person to the other agreeing to commit any offence.

It is submitted that no ingredients of conspiracy nor nexus between the evidence of the PW5 and the purported confessional statement of the 1st Defendant. That the evidence of the PW5 at best is a hearsay evidence which in law is not credible and can never be used against the 3rd Defendant as the evidence was not a product of his own investigation but merely a reported speech which was denied by even the alleged confessor. See *NWACHUKWU v STATE* (2004) 17 NWLR, Pt 902; *EDET BASSEY v THE STATE* (2012) MRSCJ Vol. 4 P.1.

On Issue 2, it is the submission that there was no mention of a specific act of the 3rd Defendant to show that he was part of those who committed the offence he is being charged with; let alone that, the witnesses called by the 3rd Defendant clearly testified to the fact that the 3rd Defendant was in the market selling fairly used clothes on that date and around the time the offence was committed.

It is submitted that from the totality of the evidence before the court, there was no proof before the eyes of the law credible beyond reasonable doubt to warrant the conviction of the 3rd accused in this charge.

It is the contention that the purported confessional statement of the 1st Defendant which was denied by him cannot be used to convict the 3rd Defendant. See case of ADEBOWALE v THE STATE (2013) NWLR Pt 136 – 137.

On the charge of culpable homicide, punishable with death under Section 221 Penal Code, it is submitted that the available evidence before the court did not in any way show any nexus in the act that resulted to the death of the deceased to the 3rd Defendant. Court is urged to discharge and acquit the 3rd Defendant.

The 4th and 6th Defendant's counsel filed a composite final written address dated 30/5/18 wherein counsel formulated the following issues for determination:

1. Whether the prosecution has prove beyond reasonable doubt a case of conspiracy to commit culpable homicide to wit: pre-meditated killing of Mr. Anthony Eze, punishable under Section 221 of the Penal Code Law, against the 6th Defendant (Augustine Nwamba) as contained in count one of the Amended Charge Sheet.
2. Whether the prosecution has proved beyond reasonable doubt a case of conspiracy to commit culpable homicide to wit: premeditated killing of Mr. Anthony Eze, punishable under Section 221 of the Penal Code Law, against the 4th Defendant (Emmanuel Igwe) as contained in Count One of the Amended Charge Sheet.

3. Whether the prosecution has proved beyond reasonable doubt, a case of a culpable homicide punishable with death, under section 221 of the Penal Code Law, against the 4th Defendant as contained in Count Two of the Amended Charge Sheet.
4. Whether the prosecution has proved beyond reasonable doubt, a case of Armed Robbery punishable under Section 1 of the Robbery and Firearms (Special Provisions) Act against the 4th Defendant, as contained in Count Three of the Amended Charge Sheet.
5. Whether the extra judicial statement of the 1st Defendant (admitted as Exhibit K) has any probative value against the 4th and 6th Defendant in the circumstances of this case.
6. Whether the Affidavit in support of application for leave to prefer charge dated and filed on 14/4/2015 and the proof of evidence accompanying the Amended Charge Sheet dated 10/4/2015 and filed on 14/4/2015 disclose a prima facie case against the 4th and 6th Defendants to warrant the exercise of jurisdiction by this Honourable Court.

On Issue 1 and 2 which is argued together, it is the submission that the prosecution failed to prove beyond reasonable doubt a case of conspiracy to commit culpable homicide as contained in Count 1 of the Amended Charge Sheet against the 4th and 6th Defendants.

It is trite that in case of conspiracy can be proved by either direct or circumstantial evidence. See OBIAKOR v THE STATE (2002) 36 WRN 1 at 10.

In the instant case, the prosecution did not adduce any evidence whether direct or circumstantial of any conspiracy between the 4th and 6th Defendant and any other person.

It is submitted that from the evidence before this court, the charge of conspiracy against the 4th and 6th Defendants is based on the extra judicial statement of the 1st Defendant (Exhibit K) which lacks probative value against the 4th and 6th Defendants.

It is further submitted that assuming but not conceding that Exhibit K is anything to go by, it is clearly shows that the maker, 1st Defendant had never met or discussed with the 6th Defendant; that there is neither direct nor circumstantial evidence of conspiracy to commit culpable homicide against the 4th and 6th Defendants. Court is urged to discharge and acquit the 4th and 6th Defendants on Count One of the charge.

On Issue 3, it is the submission that the prosecution has not proved beyond reasonable doubt case of culpable homicide punishable with death against 4th Defendant as contained in Count Two of the Amended Charge Sheet.

It is submitted that there is no admissible evidence led in proof of the ingredient of offence of culpable homicide against the 4th Defendant. Court is referred to the case of ADAMU v STATE (2014) LPELR – 22696 (SC).

The only purported link to 4th Defendant with respect to the commission of the crime is Exhibit K, the 1st Defendant purported confessional statement, which in law has no probative value against the 4th Defendant. See Section 29(4) of Evidence Act. Court is urged to hold that the prosecution failed to prove beyond reasonable doubt a case of culpable homicide punishable with death, under Section 221 Penal Code, against the 4th Defendant.

On Issue 4, it is the submission that from the record of the court, there is no evidence that the 4th Defendant robbed the deceased either with or without arm or even went to the scene of the crime where the phone was allegedly taken. Court is urged to hold that the prosecution failed to prove a case of armed robbery, against the 4th Defendant as contained in Count Three of the Amended Charge Sheet.

On Issue 5, it is the submission that the extra judicial statement of the 1st Defendant has no probative value against the 4th and 6th Defendants on the following two grounds:

1. The 4th and 6th Defendants did not adopt the content of the said 1st Defendant's extra judicial statement (Exhibit K) either by word or by conduct. See Section 29 (4) Evidence Act.
2. The 1st Defendant's extra judicial statement is not reliable, when tested by the rules set out by the Supreme Court in the case of DAWA v THE STATE (1980) 8 – 11 SC 236. Court is further referred to the cases of JIMOH v STATE (2014) LPELR – 22464 (SC); AIKHADUEKE v STATE (2013) LPELR – 20806 (SC).

3. It is the submission that mere admission of a confessional statement as in Exhibit K does not make its content reliable/true such that the trial court must attach probative value to it against the maker and/or other accused person who adopts same. See *RASHEED LASISI v THE STATE* (2013) LPELR – 20183 (SC); *STEPHEN HARUNA v THE ATTORNEY GENERAL OF FED.* (2012) LPELR – 7821 (SC). Court is urged to discountenance the extra judicial statement of the 1st Defendant (Exhibit K) in determination of whether the prosecution has discharged the burden of proof to establish all the charges against the 4th and 6th Defendants beyond reasonable doubt.

On Issue 6, it is the submission that there is no valid charge pending before this Honourable Court ab initio.

That Order 3(1) and (21(a) & (b) of the Criminal Procedure (application for leave to prefer a charge in the High Court) Rules 1970 makes it mandatory for the prosecution to seek and obtain leave of this Honourable Court before preferring a charge against the 4th and 6th Defendants. Before such leave will be granted to the prosecution, the State must satisfy the court from the affidavit in support of the application for leave and the accompanying proof of evidence, that there is prima facie case against the Defendant. See *OHWOVORULE v FRN* (2003) 2 NWLR (Pt 803) 17.

It is submitted that where no prima facie case is disclosed in the proof of evidence in support of the charge and the court granted leave to prefer the said charge, the Defendants reserve the right

to apply that the offending charge be quashed. See Hon. HOSEA AGBOOLA v FRN (2014 LPELR – 22932 (CA)).

It is the contention that for the purpose of determination of whether a prima facie case is disclosed against the 4th and 6th Defendants, this Honourable Court is bound to restrict itself to the relevant statement of the proposed prosecution in witnesses and the proof of evidence filed in support of the application to prefer charge. See HON. HOSEA ABGOOLA v FRN (Supra).

It is the submission that while a charge preferred against a Defendant is not supported by proof of evidence, the charge becomes an abuse of court process. See ABACHA v STATE (2002) 11 NWLR (Pt 779) 437. Court is urged to hold that the charge preferred against the 4th and 6th Defendants is an abuse of the process of this court. See SENATOR ALPHONSUS UBA IGBEKE v LADY MARGERY OKADIGBO & ORS (2013) LPELR – 20664 (SC). Court is urged to quash the charges against the 4th and 6th Defendant and discharge and acquit the 4th and 6th Defendants.

The 5th Defendant's counsel filed a 27-page final written address dated 2/10/18 wherein counsel formulated the following issues for determination:

1. Whether the failure of the prosecution to investigate the alibi raised by the 5th Defendant is not fatal to the case of the prosecution against the 5th Defendant and entitles the 5th Defendant to be discharged and acquitted of the charges against him in this case.

2. Whether at the close of the case for the respective parties in this case, the prosecution has discharged the legal and evidential burden upon it by proving its case beyond reasonable doubt, warranting this Honourable Court to convict the 5th Defendant on the three count charge or any other offence as might be disclosed by the totality of evidence before the Honourable Court.
3. Whether this case as presently constituted as against the 5th Defendant does not constitute an abuse of executive powers and of this court's process.

On Issue 1, it is the submission that the 5th Defendant in his statement to the Police which was also reiterated in his oral evidence before this Honourable Court on 6th December 2017 did inform the police that as at the date of the alleged crime, he was at Lokoja, in Kogi State working with his Boss at a site in Civil Defence Barracks. He further informed the police that his Boss phone number is in his phone already in their custody; they could call his Boss and confirm that fact. This indeed raises the defence of alibi in favour of the 5th Defendant because he denied being at the scene of the crime and gave particulars of his whereabouts at that time. See *AGBORA v STATE* (2013) 11 NWLR (Pt 1306) 619 at 645 Paras C – D.

It is submitted that the prosecution did not investigate the alibi; that the above scenario does not only raise a defence in favour of the 5th Defendant, but also lend credence to the reason why none of the prosecution witnesses or other people who gave

statements to the police could not mention the 5th Defendant in their testimony.

It also shows that investigation carried out by the State was nothing to write home about. Court is urged to discharge and acquit the 5th Defendant on all counts of charges as contained on the Charge Sheet.

On Issue 2, it is the submission that it is the duty of the prosecution to prove the case against the Defendant beyond reasonable doubt. Court is referred to the case of FRN v USMAN (2012) 8 NWLR (Pt 1301) P. 141 at 156 – 157 Paras H – A; ADONIKE v THE STATE (2015) 7 NWLR (Pt 1457) P. 237 at 263 Paras D – G; IKO v STATE (2001) FWLR (Pt 68) 1161; BELLO v STATE (2012) 8 NWLR (Pt 1302) 207 at 231 Paras D – E.

On the offence of conspiracy to commit culpable homicide punishable with death, it is the contention that the prosecution has failed to prove beyond reasonable doubt that the 5th Defendant committed the crime as been charged. That out of the five (5) witnesses called by the prosecution only the PW5 made mention of the name of the 5th Defendant. That everything is wrong with the evidence of PW5. The said evidence is not a product of the PW5 independent investigation, rather, he merely reported what the 1st Defendant allegedly confessed to him. It is submitted that whatsoever the 1st Defendant told the PW5 is inadmissible against the 5th Defendant as it would amount to hearsay evidence, which is prohibited by Section 37 of Evidence Act. See case of IJIOFFOR v THE STATE (2001) 9 NWLR (Pt 718) 371.

It is the submission that the evidence against the 5th Defendant is not cogent, consistent and reliable and such must be rejected by this court. See DANJUMA GARBA v THE STATE (1978) 2 NCAR 149 FCA/K/10/78.

It is submitted that there is no shred of evidence in favour of the prosecution that would warrant the 5th Defendant to be convicted of conspiracy in this case.

It is further submitted that a statement made by an accused person implicating his co-accused person is not evidence against that other accused person. See ADEBOWALE v STATE (2013) 16 NWLR (Pt 1879) P. 104 at 136 – 137 Paras G – C.

On the offence of culpable homicide punishable with death, it is the submission that for the prosecution to successfully establish a case of the commission of culpable homicide as charge against the 5th Defendant and all other Defendants in this case, they must establish the following elements:

- (a) The death of the person is question;
- (b) That such death was caused by the act of the accused;
- (c) That the accused intended by such act to cause death or that he know that, such act would be likely to cause death or that he caused the death by rash and negligent act.

See Section 221 Penal Code and the case of STATE v DANJUMA SC 124/96 (1997) NWLR (Pt 506) 512.

It is submitted that going by the evidence adduced the prosecution has failed to establish a case of culpable homicide punishable with death against the 5th Defendant by its failure to establish the requisite element of the crime and linking to the 5th Defendant.

With respect to the charge of armed robbery, it is the submission that for the prosecution to secure conviction of the 5th Defendant of count three, it must establish the following:

- (a) There was a robbery
- (b) It was carried out with the use of offensive weapons; and
- (c) The accused person participated in the robbery.

See *OGUDO v THE STATE* SC 341/2010 (2018) 18 NWLR (Pt 1278).

It is the contention that the evidence adduced by the prosecution did not disclose that indeed there was an armed robbery. The evidence of what happened at the scene of the alleged murder of the deceased did not disclose that the Defendants, including the 5th Defendant robbed the deceased of his phone before they allegedly killed him. That the prosecution has failed to establish the requisite elements of the crime of armed robbery against any of the Defendants.

On Issue 3, it is the submission that the case of the prosecution against the 5th Defendant is an abuse of executive powers as well as abuse of the process of this Honourable Court. See *ADEBOWALE v STATE* (Supra); *MOHAMMED SANI ABACHA v THE STATE* (2002) 9 MJSC 1 SC/290/2001.

It is submitted that the attitudes of the prosecution since when the 5th Defendant was arrested and in the prosecution of this case, discloses some element of malice and lack of good faith. The Inspector General of Police knew that outside the alleged confessional statement of the 1st Defendant, there was nothing which linked the 5th Defendant to all the offences charged. The law is clear that the prosecution cannot secure conviction of a Defendant only on the confessional statement of a co-accused.

It is the submission that the prosecution has failed to establish the ingredient of the offences on the charge sheet against the Defendants, especially the 5th Defendant in this case. Court is urged to discharge and acquit the 5th Defendant of all the charges against him.

The prosecution counsel instead of filing a composite final written address with respect to the Defendants decided in his wisdom to file a separate final written addresses.

With respect to the 1st Defendant, the prosecution counsel filed a 15-page final written address dated 2/10/18 wherein counsel submitted the following issues for determination:

1. Whether proof beyond reasonable doubts meant proof beyond all iota of doubt.
2. Whether the 1st count made out against the 1st Defendant Anayo Eze and others is a charge of criminal conspiracy to commit culpable homicide punishable with death as

provided under Section 97 and punishable under Section 221 of the Penal Code Law.

On Issue 1, it is submitted that proof beyond reasonable doubt is not proof beyond all iota of doubt. See WOOLMINGTON v DPP (1935) AC 485; NASIRU v THE STATE (1999) 2 NWLR (Pt 589) 37 at 98.

It is submitted that where the essential ingredient of the offence has been proof and established, the prosecution has discharged the burden of proof beyond reasonable doubt.

On Issue 2, it is the submission that once conspiracy is proved to exist, evidence admissible against other conspirator is also admissible against the others. See JIMOH v STATE (2014) 17 WRN 11.

It is submitted that the offence of conspiracy is completed upon meeting of the mind of the Defendants. It is not necessary that any other thing should be done beyond an agreement of mind. See PATRICK NJOVENS v THE STATE (1973) 1 NWLR 331.

Conspiracy is established once it becomes clear to the court that the conspirator knew of the existence and the intention or purpose of their conspiracy. See N OSUNGU v THE STATE (2013) 1 – 2 SC (Pt 1) Pg 37. Court is urged to hold that the prosecution has proved the Count 1 against the Defendants particularly the 1st Defendant beyond reasonable doubt and convict him accordingly.

On the 2nd count of culpable homicide punishable with death under Section 221 of the Penal Code Law, it is submitted that the 1st Defendant has shown clearly that the Defendants did infact committed the offences as charged. It is incumbent on the prosecution to establish not only that the act of the accused person caused the death of the deceased, but that in actual fact the deceased died as a result of the accused person to the exclusion of all other possibilities; thus, where a person is attacked with a lethal weapon and he died on the spot or shortly afterwards. It is reasonable to infer that the injury inflicted on him caused the death. See FRANCIS DURWODE v THE STATE (2001) 7 WRN 50.

On the charge of armed robbery, it is submitted that an act of armed robbery stand where the bandit or one of the bandits armed with a lethal weapon for the purpose of committing the robbery.

It is submitted that the 1st Defendant never denied having in his possession the deceased handset. Court is urged to rely on the confessional statement of the 1st Defendant to convict him accordingly; as his confession has explained the truth as to how the offence was conspired and committed. Court is referred to Section 28 Evidence Act and the case of AKPAN v STATE (2001) 53 WRN 1.

It is further submitted that, the fact that the accused resiled from the extra judicial confession does not necessarily render it inadmissible. See KUM v STATE (1992) 4 NWLR (Pt 233) 17.

Once a confessional statement is admitted, it becomes part of the evidence, and the court is duty bound to consider the probative value of same. See Section 28 Evidence Act and the case of JOHUA v STATE (2910) 1 WRN 57. Court is urged to convict and sentence the 1st Defendant on all charge accordingly.

With respect to the 2nd Defendant, the prosecution filed a 14-page final written address which is accordingly adopted as forming part of this judgment.

Therein, the prosecution submitted that the alibi of the 2nd Defendant is not worthy of a defence but just to a shed cover and intent to mislead the Honourable Court.

It is further submitted that the evidence of one witness if it is cogent, compelling and pointed to the truth will be sufficient to convict an accused person or a defendant. That the evidence of PW5 being the head of the investigating team points to an accurate fact of fact finding on the ground that he is neutral also the extra judicial statement of the 1st Defendant has also explained the role played by the 2nd Defendant in the entire transaction.

It is the contention that the handset Nokia E5 belonging to the deceased, including his sim-card was enough corroborative evidence that the Defendants did committed the offence as charged; that the confessional statement of the 1st Defendant shows clearly that they were employed to carry out the killing by the 6th Defendant, then after the killing why going away with his

handset Nokia E5 in which after taken it away, he removed the sim-card so as to avoid being traced, but as luck ran out of him he choose to sell it to one Abubakar Gimba that led the police operatives for his arrest. An act of armed robbery stands where the bandit or one of the bandits armed with a lethal weapon for the purpose of committing the robbery. Court is urged to hold that the prosecution has proved their case beyond reasonable doubt and that the Defendants be convicted and sentence accordingly.

With respect to the 3rd Defendant, the prosecution counsel filed 12-page final written address dated 24/12/18 wherein counsel submitted that the 3rd Defendant has not adduce enough evidence to disqualify him from being held culpable for the alleged crime committed.

It is submitted that the 3rd Defendant only said he was not at the scene on the fateful day being the 6/11/14, but was in the market selling clothes till 8:00 p.m. being the time the killing of the Anthony Eze took place at Tunga Maje, Zuba F.C.T. Abuja. In this circumstance what is the distance, between the market place and where the killing took place, the 3rd Defendant can easily go and come back and from the evidence giving so far the precise time of the killing was not that too accurate but between 8:00 in the evening to 9:00 in the evening.

It is the submission that to prove a charge of culpable homicide, or an armed robbery that the penalty is death sentence, it is difficult for a Defendant to admit but can be convicted on a

circumstantial evidence, the arrest and prosecution of the 3rd Defendant along side with other (5) five defendants are based on reasonable suspicions of having committed a criminal offence. Court is referred to Section 35(1) (c) of the 1999 Constitution and Section 122 Evidence Act.

On the issue of proof beyond reasonable doubt, it is submitted that proof beyond reasonable doubt is not proof beyond all iota of doubt. See *NASIRU v STATE* (1999) 2 NWLR (Pt 589) 37 at 98.

It is submitted that the prosecution has discharged the burden proof placed on it.

It is the contention that the confessional statement of the 1st Defendant admitted in evidence, is explicit, whereby he narrated the role played by each of the other Defendants from himself to the 6th Defendant as to how they met and their intention to carry out the killing of the victim.

It is submitted that conspiracy is established once it becomes clear to the court that the conspirator knew of the existence and the intention or purpose of their conspiracy. See *NOSUAGU v THE STATE* (Supra).

With respect to Count 2, it is submitted that it is incumbent on the prosecution to establish not only that the act of the accused person caused the death of the deceased, but that in actual fact the deceased died as a result of the accused person to the exclusion of all other possibilities. See *FRANCIS DURWODE v THE STATE* (2001) 7 WRN 50.

It is further submitted that from the investigation carried out by the police in respect of this case show clearly that the 1st Defendant was found recently of having in possession of the deceased handset Nokia E5 and its MTN sim-card soon immediately after the killing. Court is referred to Section 167 Evidence Act and the case of UDOH v STATE (1993) 5 NWLR (Pt 295) 556. Court is urged to marry the confessional statement of the 1st Defendant and the statement of the 3rd Defendant and convict him accordingly.

With respect to the 4th and 6th accused persons, the prosecution filed an 18-page final written address dated 2/10/18 wherein counsel submitted that proof beyond reasonable doubt is not proof beyond the shadow or the iota of doubt. That where the essential ingredient of the offence has been proved and established, the prosecution has discharged the burden of proof beyond reasonable doubt.

With respect to the 1st count against the 4th and 6th Defendant, it is submitted that once conspiracy is proved to exist, evidence admissible against other conspirators is also admissible against the others. See JIMOH v STATE (2014) 17 WRN 11. Court is urged to hold that the confessional statement of the 1st Defendant having been admitted in evidence is enough proof that the defendants conspired to commit the crime as charged. Court is referred to the case of PATRICK NJOVEN v THE STATE (Supra).

With respect to the Count 2, it is submitted that Exhibit K passed all the rules and procedure to qualify for an admissibility of a

confessional statement. Therein the 1st Defendant confessed to how the killing of the deceased happened.

It is pertinent to note that Pages 12 to 25 of this written address has already been captured in this judgment. Therefore there is no need for repetition. Court is urged to hold that the prosecution has proved its case beyond reasonable doubt and to find the defendants guilty as charged and sentence accordingly.

With respect to the 5th Defendant, the prosecution counsel filed 15-page final written address dated 12/11/2018 wherein counsel submitted that with regard to the defence of alibi raised by the 5th Defendant, the 5th Defendant ought to have call the person that he said he was staying with to come and clear him at the verge of investigation. That till date nobody has come to say that the 5th Defendant was with him on that fateful day Anthony Eze was killed.

It is submitted that mere raising an alibi is not enough to say that the 5th Defendant was not at the scene of crime. He must adduce evidence of a good character and to convince everybody that in all angle he has no opportunity of committing the crime. I must note here that Pages 4 to 15 of this written address is not different from the one already adduced in this judgment. Accordingly, the prosecution's final written address with respect to the 5th Defendant is hereby adopted as part of this judgment. Court is urged to convict the 5th Defendant accordingly.

The 1st Defendant's counsel filed a 7-page reply on points of law dated 7/1/19 wherein counsel in reply to Page 3 of the prosecution's final written address, submitted that contrary to the assertion of the prosecution, there is nowhere in Exhibit K that the 1st Defendant admitted that he met with any of the Defendants behind the rock in Zuba to hatch the plan to commit any of the crimes he was charged with.

In reply to Pages 10 and 11 of the prosecution written address, it is submitted that from the evidence before the court, the 1st Defendant was not involved when the case was in Zuba Police Station or Command Headquarters. It was when the case was transferred to the Inspector General of Police Special Tactical Squad (STS), that the 1st Defendant was arrested.

It is submitted that DW1 did not come into possession of Exhibit C and E1 by way of criminal activity.

In his testimony, he has detailed how he picked the phone on the ground at the scene of the crime.

It is further submitted that there are contradictions on the entire gamut of the prosecution's case against the 1st Defendant that must be resolved in favour of the 1st Defendant. Court is referred to the testimony of PW5 and DW8. Court is urged to discountenance Exhibit K for being grossly inconsistent with other proven facts of the case.

The 4th and 5th Defendant's counsel also filed an 8-page reply on points of law dated 9/10/18 wherein counsel submitted that the

prosecution at Page 3 – 4 of their written address alleged that the 1st Defendant made a confessional statement (Exhibit K) and stated that he met with other defendants behind the rock in Zuba and agreed to kill the deceased. It is submitted that the 1st Defendant never said that he agreed with the 4th and 6th Defendants to kill anybody either in his statement /Exhibit K or in the course of his testimony during trials.

Furthermore, the 4th Defendant never state anywhere that he belong to a cult group or that he held meeting anywhere in Zuba behind the rock or anywhere else either with the other Defendants or anybody, whatsoever and for whatsoever purpose. Court is referred to Section 122 (2) (m) Evidence Act; Case of OSAFILE & ANOR v ODI & ANOR (1990) LPELR – 2783 (SC); 1990 2 NWLR (Pt 137) 130.

It is submitted that the address of counsel cannot take the place of evidence. See UNION BANK OF NIG. PLC & ANOR. v AYODARE (NIG) LTD & 3 ORS (2007) 13 NWLR (Pt 1952) 567. Court is urged to discountenance the unfounded allegations of the prosecution in their written address.

It is submitted that the entire case of the prosecution is built on mere suspicion which has no place in law. See AJAEGBO v STATE (2018) LPEL – 44531 (SC).

It is further submitted that suspicion can not ground conviction in criminal trial. See ZUBAIRU v STATE (2015) LPELR – 40835 (SC). Court is urged to discharge and acquit the 4th and 6th Defendants.

I have carefully considered the processes filed, evidence of both prosecution witnesses and the defence witness and submission of learned counsel on both sides, it is without doubt that the 1st, 2nd, 3rd, 4th, 5th and 6th Defendants/Accused persons were charged with an offence of conspiracy to commit culpable homicide punishable under Section 97 and 221 of the Penal Code in Count 1; while the 1st, 2nd, 3rd, 4th and 5th Defendants were charged under Count 2 and 3 on the Charge Sheet for committing culpable homicide punishable with death under Section 221 Penal Code and Armed Robbery punishable under Section 1 of the Robbery and Firearms (Special Provision) Act Cap R 11 LFN 2004.

It is trite law that the standard of proof in a criminal trial such as this is proof beyond reasonable doubt. This means that it is not enough for the prosecution to suspect a person of having committed a criminal offence. There must be evidence, which identified the person accused with the offence and that it was his act, which caused the offence. See AIGBADION v STATE (2000) 4 SC (Pt 1) 1 at 15.

It is also settled law that in a criminal trial, the burden of proof lies, throughout, upon the prosecution to establish the guilt of the accused beyond reasonable doubt and it never shifts. Even where an accused in his statement to the police admitted committing the offence, the prosecution is not relieved of the burden. Failure to discharge this burden renders the benefit of doubt in favour of the accused. See IGABELE v STATE (2006) 6 NWLR (Pt 975) 100 SC; ANI v STATE (2003) 11 NWLR (Pt 830) 142.

Now, by the provision of Section 97 Penal Code Law on which the 1st to 6th Defendants were charged on Count 1, the prosecution is required to prove the following elements:

- (i) An agreement between two or more persons to do or cause to be done some illegal act or some act which is not illegal by illegal means.
- (ii) Where the agreement is other than an agreement to commit an offence that some act besides the agreement was done by one or more of the parties in furtherance of the agreement.
- (iii) Specifically that each of the accused individually participated in the conspiracy.

For the offence under Count 2, for culpable homicide punishable with death, Section 221 Penal Code, the law imposes on the prosecution to prove conjunctively, not in piece meal or disjunctively the following essential elements:

- (i) That the death was caused by the accused person;
- (ii) That such act of the accused person that caused the death was done with the intention of causing death or that the accused knew or had reason to know that death would be the probable and not only the likely consequence of his act.

These ingredients must co-exist and failure on the part of the prosecution to establish any of them is fatal to the case. See *AKPAN v STATE* (2007) 2 NWLR 9Pt 1019) 500.

With respect to Count 3 on the Charge Sheet on armed robbery and possession of firearm, the prosecution must prove the following elements:

- (i) There was a robbery.
- (ii) It was carried out with the use of offensive weapons;
and
- (iii) The accused person participated in the robbery.

All of the above must be proved beyond reasonable doubt by the prosecution to gain conviction. See *OGUDO v THE STATE* (2012) 18 NWLR (Pt 1278) 1; *ONYENYE v STATE* (2012) 15 NWLR (Pt 1324) 586.

Now the question that comes to mind is has the prosecution been able to prove the essential elements of the offences against all the Defendants?

The prosecution called 5 (five) witnesses and after proper evaluation of the evidence of the prosecution witness, it is without doubt that the PW1, Abubakar Gimba, PW2 Ifeoma Eze, PW3 Eval Eze and PW4 Omale Idris from their respective testimonies did not know the person(s) who committed the offences for which the Defendants were charged and tried.

The testimony of the PW5 A.S.P. Benjamin Etubi who is the I.P.O. is already reflected in this judgment. The question is has the PW5 who is a trained detective and has been into crime detection for 17 years, been able to conduct proper investigation into the matter?

It is the evidence of the PW5 that after the arrest of the 2nd Defendant Idris Shuaibu, the 2nd Defendant wrote his statement by himself; the said statement was admitted as Exhibit H.

It is pertinent to reproduce some relevant portion of the last paragraph of the said Exhibit as follows:

“...On the 6th of November 2014, I was at Zuba in my house with my wife, I did not go to any where at that day. I did not know or hear that anybody die or that they kill somebody till I come to SARs Office here...”

Also after the arrest of the 3rd Defendant Okechukwu Nelson he also made a statement which was admitted as Exhibit G.

In lines 9 – 11 of Page 2 of the said statement, the 3rd Defendant stated as follows:

“...On the 06/11/2014 I was at Madalla Market selling my second hand cloths, I didn't know of someone was killed at Zuba”

Further, after the arrest of the 5th Defendant, the 5th Defendant on 9/2/2015 made a statement at the police station which was admitted in evidence as Exhibit I. It is worthy of note to reproduce the last paragraph of the said 5th Defendant's statement as follows:

“...On the 6th of November 2014, I was in Lokoja, Kogi State Site work with my Oga named Emmanuel. I have my Oga

No. in my phone you can call my Oga and ask him. I don't know about killing anybody or roberyng any body"

The above is the plea of alibi by the 2nd, 3rd and 5th Defendants.

The word "alibi" is a Latin expression which means "I was elsewhere". It means also that the accused was somewhere other than where the prosecution alleged that he was at the time of the commission of the offence. See *SOWEMIMO v STATE* (2004) 11 NWLR (Pt 885) 515.

It is trite law that in raising the defence of alibi, the accused must at the earliest opportunity furnish the police with full details of the alibi, to enable the police to check the details. See *SOWEMIMO v STATE* (Supra).

In the case of *CHRISTOPHER v COMMISSIONER OF POLICE* (1977) NNLR 1 CA, the court held inter alia that where an accused makes a statement to the Police before trial indicating that he will rely on a defence of alibi, it is for the State to have that statement investigated before the trial and, where appropriate to use the results of investigation to rebut the defence of alibi.

Also in *NSOFOR v STATE* (2002) 10 NWLR (Pt 775) 274, the court official held that an accused person is not required to prove his alibi; rather, the onus is on the prosecution to disprove the alibi. Consequently, once there is the slightest defence of alibi, the plea must be investigated. Failure of the prosecution, therefore, to investigate the alibi raised is fatal to the prosecution's case"

I must state here that the law relating to alibi is that an accused person who wishes to raise alibi must raise it at the earliest opportunity to enable the police to investigate it. The accused must offer evidence as to where he was at the time of the crime and with whom he was at the material time. See EYISI v THE STATE (2000) 12 SC (Pt 1324; ONYEGBU v STATE (1995) 4 NWLR (Pt 391) 510 SC.

In the instant case it is clear from the evidence before this court the 2nd, 3rd and 5th Defendants raised the plea of alibi at the appropriate time. However, in the wisdom of the prosecution, the prosecution failed to investigate the alibi so raised. The DW3 the wife of the 2nd Defendant in her evidence-in-chief stated as follows:

“On 6/11/14 between 2 p.m. to 12 mid night we were together with the 2nd Defendant in the Church Road, Zuba. I was never invited by the police for interview in respect of this case. I was also never invited by the police to make statement in respect of this case”

The above testimony of the DW3 was never challenged in any material way by the prosecution.

Furthermore, the 2nd Defendant who testified as DW4 also corroborated the evidence of DW3 to the effect that on the 6/11/14 he was in his house with his wife and daughter at Church Road, Zuba.

The relevant portion of 2nd Defendant (DW4) evidence is herein reproduced as follows:

“I told the Police my whereabouts on the 6/11/14. I told the police that I was with my family in my house as I was not feeling well and I did not go to anywhere. I was with my wife, my daughter and my mother”

The 3rd Defendant Okechukwu Nelson who testified as DW5 in his evidence-in-chief stated that on 6/11/14 between 5:00 – 8:00 p.m. he was in Madalla Market where he sells cloth. The DW6 Ofodile Ndimyelu in his testify before this court corroborated the alibi by the 3rd Defendant when he stated as follows:

“On 6/11/14 we were together with Okechukwu Nelson in the market from morning to 8:30 – 9:00 p.m.”

Under cross-examination by the prosecution's counsel the DW6 stated that on the 6/11/14 they closed from Market around 9:00 p.m. with the 3rd Defendant.

The DW6 went further to state that he told the police what he stated in his evidence at SARS Office and the I.P.O. told him that they were doing investigation.

The 5th Defendant who testified as DW8 in his evidence-in-chief stated that in November 2014 he was at Lokoja with his “Oga” doing work in Civil Defence Barrack, Lokoja, Kogi State. They were there till 22/12/14 when they came back to Abuja.

He further stated as follows:

“I told the I.P.O. that on November 14 2014 I was at Lokoja. I told the IPO to get my Oga’s number in my phone and call him to confirm what I told him but he refused”

It is surprising that an experience I.P.O. like the PW5 will fail to carry out proper investigation of alibi timemously raised by the 2nd, 3rd and 5th Defendants.

It is settled law that there is no doubt that if the defence of an alibi is properly raised, it is the duty of the prosecution to investigate and disprove it. It is however that of an accused person relying on an alibi to give details of the alibi he set up to enable the prosecution to investigate it. His duty involves letting the police know at the earliest opportunity where and with whom he was at the material time. See OBAKPOLO v STATE (1991) 1 NWLR (Pt 165) 113 Para A.

In the instant case, it is without doubt that the defence of alibi put up by the 2nd, 3rd and 5th Defendant was not investigated by the police particularly the PW5 who held himself out under of investigation into this case, I so hold.

It is the evidence of PW5 that in the cause of his investigation the 1st Defendant described the person who point at the deceased before they killed him; that the PW5 visited the scene of the crime and recorded the statement of some people from the place. That he discovered that late Anthony Eze came to the drinking joint with 3 of his friends including the 6th Defendant. He recorded the statement of the Sylvester Iro who also came with the late

Anthony Eze and one of Immigration Officer who met them there. He also recorded the statement of the woman who owns the drinking joint and that of her daughter who put a call to the 6th Defendant informing him that his friend Anthony Eze was shot.

It is curious that the PW5 an experience I.P.O. did not deem it fit to tender the said recorded statements of the eye witnesses to give credence to the case of the prosecution. What an experience I.P.O. indeed!.

Under cross-examination of PW5 by the 1st Defendant's counsel, the PW5 stated that it was the owner of the shop that first discovered the deceased when he was shot; yet he did not thought it wise to call her as a vital witness and/or tender the statement she made at the police station.

However, the 6th Defendant called the owner of the shop Madam Nkiria Okeze his witness DW9. In her evidence-in-chief, she stated that it is only the 6th Defendant that she knows amongst the Defendants.

For what of doubt, the DW9 is an eye witness. Her testimony is hereby reproduced as follows:

“My name is Madam U.K. My full name is Nkiria Okeze. My address is Opposite Old Aso bank, Zuba. I sell provisions. I know the 6th Defendant. He is the only one amongst the Defendants. I also know Mr. Innocent David and late Anthony Eze. The 6th Defendant Innocent David and late Anthony Eze were friends. They were my customers in

respect of the beer parlour. I have a beer parlour and they normally go there as customers. I know them for more than 10 years. I know them while I was in Suleja.

On 6/11/14 around 6:00p.m. 4 of them came, they were the 6th Defendant, Innocent and Anthony, but I don't know the name of the 4th person.

After they drank, Innocent and the other man left, then Augustine (6th Defendant) left and the last to live was late Anthony.

On that day there was a heavy rain. They were sitting outside before the rain and when the rain started they moved inside the beer parlour, it was late Anthony Eze that paid for the drinks. When I came out, I saw people running up and down. I saw late Anthony's vehicle light and I went to the place. I saw late Anthony lying down. They shot him. Fear catch me and I begin to cry. I told my daughter to call the 6th Defendant and she called him and he came back. When the 6th Defendant came to the scene he left to call the police.

When the police came I was crying. I didn't know what happened thereafter. I closed the Beer Parlour after the incidence. The other Defendants didn't come to my Beer Parlour on the day of the incidence"

Under cross-examination by the 1st Defendant's counsel, the DW9 stated as follows:

“Apart from the 6th Defendant, I never saw any person amongst the Defendants on that day. The 1st and 2nd Defendants never come to my beer parlour”

Under cross-examination by the prosecution's counsel the DW9 stated that it was only Anthony Eze and his friends that were in the beer parlour on that day; that only one of his friend the 6th Defendant that is in court.

Under re-examination, the DW9 further restated that it was only the 4 friends that were the only customers she had on that day.

One of the 4 friends Innocent David also testified as DW1. In his evidence-in-chief corroborated the fact that they were only 4 people at the beer parlour on that day; that the 1st, 2nd, 3rd, 4th and 5th Defendants were not at the beer parlour on the day of the incidence.

The 6th Defendant who testified as DW 12 also led evidence to the effect that it was only him and his other 3 friends, the owner of the shop and her daughter that was in the beer parlour on that day. That he saw the remaining Defendants in this case for the first time at SARS; that they did not come to the Bar on the day of the incidence.

The question that comes to mind that is so fundamental is why did the prosecution refused or fail to call the eye witnesses i.e. the owner of the shop and her daughter as witnesses for the prosecution and/or tender their respective statements they made

to the police, would be that if they do, it will be unfavourable to the prosecution as provided for in Section 167 (d) Evidence Act.

Now, from the testimony before me, it seems that the only evidence the prosecution is relying on is Exhibit K the Confessional Statement made by the 1st Defendant. In *ADENIYI ADEKOYA v THE STATE* (2012) MRSCJ VOL. 2 Pg 1 at Pg 3 the Supreme Court held that confessional statement must be supported by evidence which will easily make it probable that the evidence is true.

Also in *SOLOLA v STATE* (2005) 11 NWLR (Pt 937) 460 the Supreme Court held inter alia that a free and voluntary confession, which is direct and positive and properly proved is sufficient to sustain a conviction without any corroborative evidence so long as the court is satisfied with its truth. There is however, a duty on the court to test the truth of a confession by examining it in the light of the other credible evidence before the court.

See also the Supreme Court cases of *NWAEZE v STATE* (1996) 2 NWLR (Pt 428) 1; *AKINMOJU v THE STATE* (2000) 4 SC (Pt 1) 64.

It is pertinent to state that notwithstanding the assertion in Exhibit K that calls were made preparatory to assassination of the deceased, no call log was tendered during trial to establish conspiratorial telephone communication.

In his words the PW5 testified as follows:

“The 1st accused said sometime in late October to early November, 2014, the 4th accused called on phone and said

he want a “Killer Squad” as he want somebody life to be terminated”

However, under cross-examination by the 1st Defendant’s counsel, the PW5 stated thus:

“The Police has phone tracking equipment. I didn’t track the conversation of the Defendants between 20/11/14 to the time of their arrest”

Under cross-examination by the 3rd Defendant’s counsel, the PW5 stated as follows:

“I do not think it is important to tract the conversations of the Defendants in respect of this crime”

I am of the firm view that to ascertain the correctness of the 1st Defendant’s confessional statement the prosecution ought to have requested for the call log of the communication between the Defendants in relation to this crime from the relevant network providers.

Again the assertion in Exhibit K that the 1st Defendant , the 4th Defendant and 5th Defendants went to a beer parlour where they met the 4th Defendant is not reasonable. How can the 5th Defendant who in his evidence stated that in the whole of November he was at Lokoja, Kogi State leave that location to meet with the other Defendants in Abuja on 6/11/14.

From Exhibit K, the 1st Defendant purportedly conveyed three adult on a motorcycle to carry out assassination. Is it possible for

the 1st Defendant to carry three of the co-defendants in a motorcycle?

From Exhibit K, the 1st Defendant asserted that a man sitting with the deceased approached his confederates to identify the deceased to be killed. That means that people sitting with the deceased could see the assailants when they entered the beer parlour. In fact the testimony of PW5 was that 1st to 5th Defendants sat on a different table in the same beer parlour before the assassination. However, contrary to the content in Exhibit K, the eye witnesses DW9 (the owner of the beer parlour) DW 11 and DW 12 (friends of the deceased) who were at the beer parlour at the material time, testified to the effect that they did not see the 1st to 5th Defendants on the fateful day.

Again from the narration in Exhibit K, after the assailants shot the deceased, the 1st Defendant went and dropped his motorcycle at home and come back to the scene to pick the deceased's phone from the car. How probable is that in view of the circumstances of the case. Contrary to the narration on Exhibit K, PW5 (IPO) testified –in-chief that in the cause of investigation, the 1st Defendant told him that it was the 2nd Defendant that picked the deceased phone immediately after the assassination and gave it to him (the 1st Defendant).

Exhibit K is silent in whereabouts of the deceased sim card and how it could be recovered.

The whereabouts of the gun mentioned in Exhibit K and how they could be recovered were not mentioned in the exhibit.

The question is, if the content of Exhibit K is true and voluntary, why is it that the 1st Defendant did not mention the whereabouts of the offensive weapon used in commission of the offence.

It is worthy of note that the investigation is silent on the whereabouts or custody of the gun and motorcycle used.

Outside Exhibit K, there is no oral or documentary evidence that shows that the 4th Defendant knew the 2nd, 5th and 6th Defendants before his arrest.

In fact if indeed the 1st Defendant committed the offences as charged as purportedly confessed in Exhibit K, would he sell the deceased's phone to PW1 who testified that he and the 1st Defendant had offices/shops at the same building/market and who could indeed easily trace him? Would he also keep the deceased sim card in his house?

In their extra judicial statements, none of the Defendants mentioned how much they were paid to kill the deceased or how much the share on each of the Defendants was ; how then did the PW5 came about the sum of N1,000,000.00 as sum paid to the 1st to the 5th Defendants by the 6th Defendant to kill the deceased? And the share of N20,000.00 for the 1st Defendants.

The PW5 testified that the 1st Defendant was given a share of N20,000.00 from the amount paid to them to kill the deceased, he

was angry, he then went back to the scene of the crime to pick the phone of the deceased to sell and augment his share. Again how and where did he get this story? Under cross examination, he said that he was told. He did not call as witness who told him.

In the light of the above, I hold the firm view that the extra judicial statement of the 1st Defendant (Exhibit K) is grossly inconsistent with other proven facts of the case and thus unreliable and dangerous to ground conviction.

It seem to me that the testimony of the 1st Defendant (DW1) on how he came across the deceased phone is more believable than what is stated in Exhibit K because of the apparent contradiction of Exhibit K with the evidence adduced before this court.

Furthermore, it is trite law that a confessional statement of an accused person is not admissible against a co-accused except if adopted by the co-accused. See Section 27 (3) 29(4) Evidence Act. Case of TITILAYO v STATE (1998) 2 NWLR (Pt 537) Pg 253 at 243 – 244 Paras G – A; D.

In ADEBOWALE v THE STATE (2013) NWLR Pt 1379 Pg 136 – 137 the court held as follows:

“...a statement of a co-accused person is no evidence against an accused person who has not adopted the statement; it is thus an error in law to convict an accused on the statement of another accused person made to the

police. It is indeed a travesty of justice and a gross violation of all known rules of evidence”

In conclusion, I hold the considered view that the 1st Defendant's confessional statement Exhibit K is not credible to secure a conviction against the 1st to 6th Defendants.

Accordingly, I hold that the prosecution has failed to prove beyond reasonable doubt the guilt of the 1st to 6th accused persons.

There is no doubt that the deceased was shot and met his untimely death, but the prosecution was unable to prove the case beyond reasonable doubt against the Defendants.

Accordingly, the 1st Defendant Anayo Eze, 2nd Defendant Idris Shuaibu, 3rd Defendant Okechukwu Nelson, 4th Defendant Emmanuel Igwe, 5th Defendant Samuel Okoro and 6th Defendant Augustine Nwanba are all discharged and acquitted on all counts against them in the Charge Sheet.

(Sgd)
JUSTICE SALISU GARBA
(PRESIDING JUDGE)
15/03/2019

1st Defendant's Counsel – We are so grateful for well researched judgment.

2nd Defendant's Counsel – At last justice has been served. We shall not be asking for compensation.

3rd Defendant's counsel – We commend the court for the judgment.

4th, 5th and 6th Defendant's Counsel – We are very grateful for the well-considered judgment. We thank the court for industry of the court.

Nothing will compensate the Defendants for their detention in prison. Finally justice has been served.

(Sgd)
JUSTICE SALISU GARBA
(PRESIDING JUDGE)
15/03/2019