

IN THE HIGH COURT OF JUSTICE  
OYO STATE OF NIGERIA  
IN THE IBADAN JUDICIAL DIVISION  
HOLDEN AT IBADAN

BEFORE THE HONOURABLE JUSTICE A.L. AKINTOLA – JUDGE  
DELIVERED ON FRIDAY THE 13<sup>TH</sup> DAY OF JULY, 2018

SUIT NO. I/3ICPC/2007

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ..... PROSECUTOR

A N D

TAJUDEEN OLALERE & 2 ORS ..... DEFENDANTS

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2<sup>nd</sup> Defendant is present.

K.R. Adeoluwa Esq. Asst. Chief Legal Officer with A.A.  
Bisi Balogun Esq., Senior Legal Officer appear for the  
Prosecution.

E.O. Mba Esq. holds the brief of Olufemi Akintomiwa Esq.  
for the Defendants.

J U D G M E N T

The Defendants stand charged on a Four Count Charge of:

1. Conspiracy to corruptly ask for gratification contrary to S. 26 (1)(c) and punishable under S. 8(1)(a)(ii) of the Corrupt Practices and Other Related Offences Act, 2000,
2. Corrupt demand for gratification contrary to S.8(1)(a) and punishable under S. 8(1)(b) (ii) of the Corrupt Practices and other related Offences Act 2000;

3. Conspiracy to corruptly receive gratification contrary to S. 26(1)(c) and punishable under S. 8(1)(a)(ii) of the Corrupt Practices and Other Related Offences Act, 2000; and
4. Corrupt receipt of gratification contrary to S. 8(1)(a) and punishable under S. 8 (1) (b)(ii) of the Corrupt Practices and Other Related Offences Act 2000.

The charge together with the particulars of each of the four Offences were read over to the defendants and when each of the 1<sup>st</sup> to 3<sup>rd</sup> Defendants understood same before their respective pleas to each of the Counts was taken.

All the three Defendants pleaded not guilty to each of the four counts of the information. The stage was therefore set for the trial proper.

At the trial, the prosecution called three witnesses.

P.W.1 was one Chukwurah Alexander, a Principal Superintendent of Investigation attached to the Special Duties Department of the ICPC in Abuja.

P.W.2 was one Akojede Badmus, the nominal complainant and the one who wrote the petition that gave rise to the investigation embarked upon by the Operatives of the ICPC, the subject matter of the trial in this suit.

P.W.3 was one Adira Akison, also an investigator with the Special Duties Department of the ICPC.

The testimony of the P.W1 on oaths was to the following effect.

A petition written by one Akojede A. Badmus written to the Chairman, ICPC through the Lagos Zonal Office was assigned to a team of investigators headed by P.W.1. His said team was made up of Adira Akison, Joseph Daniel and himself.

They strategized on how to go about the investigation on 25<sup>th</sup> April, 2007, the team sought for and obtained the sum of N200,000.00 in N1,000.00 notes denomination made up of two packets. It was the alleged amount demanded by the Defendants as bribe from the said Akojede A. Badmus. The PW1 arranged and photocopied the said sum of N200,000.00 totalling 200 pieces. The respective serial numbers of the sum of money was also recorded in the Exhibit Register of the Special Unit department of the ICPC. PW1 testified further that on 26<sup>th</sup> April, 2007, his team with one uniformed mobile Police man embarked on a journey, a working visit to Ibadan for a "sting operation." On reaching Ibadan, having first touched base with the State Security Service, they put a call through to Akojede A. Badmus, the nominal complainant. He confirmed to them his being the writer of the petition. He then narrated the story of how the incident that led to the writing of his petition occurred. The story goes thus: On 20<sup>th</sup> April, 2007, while in his office at Bamidele Plaza, along Oke-Ado, Ibadan, four policemen among whom were the three defendants in this case, the fourth now being at large, entered into his office and arrested him. He was taken to the Police Station at Iddo where the Police men led by the 1<sup>st</sup> Defendant seized the key of his Honda Bullet Saloon Car and instructed him that as a matter of compulsion, he must bring a sum of N200,000.00 as bribe so that he will not be implicated in an armed robbery case that they were investigating. He testified further that he was allowed to go and look for the said N200,000.00 bribe and it was at that point that he went to the ICPC Zonal Office in Lagos where he submitted his petition against the defendants for the illicit demand.



Akojede Badmus was then asked to put a call through to the 1<sup>st</sup> Defendant on speaker phone so that PW1 and members of his investigating team can listen to the conversation between the 1<sup>st</sup> Defendant and Akojede Badmus. During the open telephone conversation, Akojede Badmus was heard telling the 1<sup>st</sup> Defendant as he had been previously instructed by the PW1 and his team members, that he was on his way from Ado-Ekiti with the ₦200,000.00 bribe readily available with him. PW1 testified that he also heard the 1<sup>st</sup> Defendant instruct the complainant to put a call through to him immediately he arrived at Ibadan so that he can come and collect the bribe money.

PW1 then instructed the Complainant to switch off his phone thereafter so as to make his Ado-Ekiti story seemingly credible and not be reachable till the following day. This was because in the opinion of PW1 who led the sting operation, it was already late in the day for his team to embark on the operation at that time of the day.

The next morning, being 27<sup>th</sup> April, 2007, the team led by PW1 reconvened with the Petitioner (PW2) at the SSS headquarters at Ibadan. They then strategized as to how to go about the operation. They settled for a restaurant/canteen located at Cultural Centre Area, Mokola, Ibadan. Having settled the issue of the venue, PW1 instructed the Petitioner (PW2) to put a call through again to the 1<sup>st</sup> Defendant informing him of the venue and that the choice of the venue was to also enable him meet up with yet another appointment with a client of his. PW1 testified hearing the 1<sup>st</sup> Defendant replying the complainant that, he i.e. 1<sup>st</sup> Defendant and his team will be at the venue in no distant time. PW1 testified further that he also heard the 1<sup>st</sup>



Defendant tell the Complainant (PW2) that apart from the said sum of ₦200,000.00 which was for the team, that the Complainant should also make provision for an additional sum of ₦50,000.00 which he the 1<sup>st</sup> Defendant will later collect without the knowledge of the other members of his team.

At that point, PW1 testified further that he then instructed Adira Akison, Joseph Daniel, one of the State Security Service Operatives who accompanied their team in the sting operation and the Complainant Akojede Badmus to proceed into the Canteen and there pretend to be entertaining themselves while they awaited the arrival of the Defendants. It was only a matter of minutes thereafter that the Defendants arrived the Canteen in a painted commercial bus.

PW1 testified that it was the 1<sup>st</sup> Defendant who first alighted from the bus and went straight into the Canteen. He thereafter soon returned to beckon on the rest of his team members among whom were the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants to join him in the Canteen.

After about 15 minutes, in the Canteen, the Defendants together with the Complainant/Petitioner and the team mates of PW1 came out of the Canteen. One of them gave PW1 a Pre-agreed signal to confirm that the Defendants had received the bribe money of ₦200,000.00. PW1 testified that as soon as he got the signal, he swiftly advanced towards the 1<sup>st</sup> Defendant, introduced himself to him and immediately effected his arrest with his remaining team members.

PW1 also disarmed the 1<sup>st</sup> Defendant of his service pistol in the process. PW1 further testified that the 2<sup>nd</sup> Defendant conscious that the alleged bribe money was in his possession, attempted to escape with the money. The team mates and back up

members pursued after the 2<sup>nd</sup> Defendant and got him. The 3<sup>rd</sup> Defendant simply submitted himself to arrest unlike the 2<sup>nd</sup> Defendant who had attempted to bolt. However, the 4<sup>th</sup> member of the team of the 1<sup>st</sup> Defendant escaped from the PW1 and his team on that day.

PW1 testified that the team embarked on a return journey to Abuja that day for fear that if the Defendants were detained at the State Security Service facility in Ibadan, being Policemen themselves, anything could happen to compromise their safety and security.

On their arrival at the ICPC Headquarters in Abuja, the 2<sup>nd</sup> Defendant in whose possession the bribe money of ₦200,000.00 allegedly was, was asked to produce same which he did. It was in ₦1,000 denomination. He counted it and confirmed that it was ₦200,000.00.

PW1 testified further that upon the 2<sup>nd</sup> Defendant having confirmed the amount, he then brought out the photocopy of the money that he had previously done before embarking on the Ibadan trip as well as the serial numbers of each of the ₦1,000 notes which he had recorded in his hand writing in the Exhibit register of the Special Duties Department of the ICPC. 2<sup>nd</sup> Defendant was able to identify the serial numbers as well as the photocopies of the currencies as being those of the ₦200,000.00 bribe money. The same photocopies were then certified as true copies of the original ₦1,000.00 notes which he received from the Complainant, Akojede Badmus. PW1 testified that he also certified the photocopies as being true copies of the said bribe money and reflected the certification in his own hand writing and dated same. Thereafter, PW1 testified that he then cautioned the Defendants and

each of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants then volunteered statements in writing each of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants gave their respective statements in their own handwriting.

PW1 also testified that he recovered the said sum of ₦200,000.00 from the 2<sup>nd</sup> Defendant and kept same in a safe dedicated for keeping exhibits. The service pistol was equally kept in safe custody of the ICPC by PW1 as well as handcuffs and telephone hand sets that were recovered from the Defendants. PW1 tendered in evidence the Certified True Copy of the Petition allegedly forwarded to ICPC by the Complainant/Petitioner. The same was received in evidence and marked as Exhibit "A".

PW1 also tendered in evidence the alleged bribe money of ₦200,000.00 cash in ₦1,000 denomination. Same was received in evidence and marked as Exhibit B1-B200.

PW1 also tendered in evidence, the Certified True Copy of the exhibit book but objection was taken to it.

As a result, learned counsel to the Prosecution, Bayo Taiwo Esq. (as he then was) sought to withdraw it but Femi Akintomiwa Esq., learned counsel to the defendants objected arguing that issues having been joined on same, it was too late for the Prosecution to withdraw same. Consequently, the Certified True Copy of the exhibit register was rejected and marked as Exhibit 'C' Rejected.

PW1 again tendered in evidence the Photocopies of the ₦1,000.00 notes that made up the bribe money of ₦200,000.00. The same was received in evidence and marked as Exhibits D1-D20.



PW1 also tendered in evidence the Statement made by the 1<sup>st</sup> Defendant to the ICPC consisting of two loose sheets. The same was received in evidence and marked as Exhibit E1-E2.

PW1 again tendered in evidence the statement made by the 2<sup>nd</sup> Defendant in writing to ICPC. The same was received in evidence and marked as Exhibit "F".

In the same manner, PW1 also tendered in evidence the written statement of the 3<sup>rd</sup> Defendant to the ICPC. The same was received in evidence and marked as Exhibit "G". All the three statements i.e. Exhibits E, F and G were read to the hearing of the Prosecution and the defendants in the open Court.

Furthermore, PW1 also tendered in evidence three G.S.M phone sets one being a Sagem model while the two others being Nokia brands. The same were received in evidence and marked as Exhibits H1-H3 respectively.

PW1 was cross examined by Femi Akintomiwa Esq, learned counsel for the Defendants.

PW1 denied knowing of any relationship that existed between the Defendants and the complainant (PW2) before PW2 wrote the petition in Exhibit A. He also denied knowing any other background to the alleged bribe money of ₦200,000.00 that exchanged hands from the PW2 to the Defendants. PW1 vehemently denied that the alleged sum of ₦200,000.00 was a gift from PW2 to the Defendants as their friend.

PW1 said that the gift idea that the Defendants introduced in their respective written Statements in Exhibits E, F and G was a defence and an after thought.

PW1 insisted that the story told of the money being a gift from the PW2 to the Defendants was an after thought insisting that their investigation revealed the defence as an after thought and that the allegation of the complainant in the petition was true.

PW1 admitted under cross examination that he gave a summary of his investigative activities to the ICPC but that his oral testimony before the court was the totality of what he did investigating the case against the Defendants. PW1 denied contradicting himself against the background of the summary of his activities.

PW1 admitted that the arrest of the Defendants was sequel to the investigation conducted by his team against them.

Learned counsel to the defence attempted to discredit PW1 by saying that his testimony about overhearing the telephone conversation of the 1<sup>st</sup> Defendant and the PW2 where the 1<sup>st</sup> Defendant allegedly asked the PW2 to make available an additional ₦50,000.00 to him alone outside of the ₦200,000.00 but same was not recorded in his written summary read out in court.

PW1 admitted that the statement was a summary but no mention was made in it of the ₦50,000.00.

PW1 vehemently disagreed that the PW2 and the Defendants were ever friends.

PW1 denied the suggestion that the PW2 was a man of questionable character and that even if he was, he was not out to investigate his character or his relationships but the allegation contained in his petition to the ICPC i.e Exhibit A.

PW1 denied the suggestion that the petition which he investigated was a frivolous one.

Much as learned counsel to the Defendants tried to suggest that the PW2 and the Defendants had a relationship which could explain the exchange of the alleged bribe money of ₦200,000.00. PW1 remained resolute that what he investigated did not suggest the existence of any relationship between the PW2 and the Defendants prior to the arrest of PW2 by the Defendants and their demand for the sum of ₦200,000.00. PW1 equally refused to be drawn into any controversy about whether or not the PW2 was a known customer of the Police in cases of obtaining by false pretences or such like. He maintained that his team investigated the Petition written by PW2 which led to the arrest and trial of the Defendants in the present proceedings.

PW2 was the Complainant who wrote Exhibit A, the Petition that led to the arrest and trial of the Defendants.

PW2 testified on oath before this Court.

The summary of the testimony of PW2 is as follows:

On 20<sup>th</sup> April, 2007, he was in his office at Bamidele Plaza, Oke-Ado where he works as an estate agent when around 3:30 pm four persons came to his said office and inquired from him about the whereabouts of the owner of the office, whereupon, he identified himself as the said office owner. The four men then immediately disclosed their identity as Police Officers. He then sat them down in his said office where the Policemen then informed him that somebody wrote a petition against him. When he inquired to see the petition, the said Police men refused to show him neither was the identity of the writer of the alleged Petition disclosed. They then assured him that when he gets to their Iddo Gate Station, he will learn more about the petition.



He followed the Police men in his car to the Iddo gate Police Station as he was advised to follow them in his car. On arriving to Iddo Gate Police Station, the Police men immediately put him behind the counter and had his car parked inside the premises of the station. He identified the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants as being three out of the four Policemen who visited his Oke-Ado Office on 20<sup>th</sup> April, 2007. The defendants then abandoned the PW2 behind the counter at Iddo Gate Police Station and went out for about 4 hours. They allegedly returned around 9:30pm at which time they then took him into their inner office. Again, PW2 requested the 1<sup>st</sup> Defendant to show him a copy of the petition allegedly written against him but he again refused to show him. PW2 went on further to testify that the 1<sup>st</sup> Defendant then told him that if he was interested in collecting back his car that the Defendants had impounded, he should go and look for a sum of ₦200,000.00 otherwise he the 1<sup>st</sup> Defendant will implicate him in an armed robbery case. There and then, the PW2 promised the 1<sup>st</sup> Defendant that he will bring the ₦200,000.00 on Monday, that day being a Friday. The 1<sup>st</sup> Defendant did not take down the Statement of the PW2 that evening neither was he shown or informed about the contents of the alleged petition against him. He further testified that he was released at about 10:00pm that night without him paying anything. On the following Monday, PW2 decided to go to the Ikoyi, Lagos Office of the ICPC to report the four Police men. It was at the ICPC Office at Ikoyi that he wrote the petition against the four Policemen, three of whom are the Defendants in this case. PW2 identified Exhibit A as the petition he wrote at the said Ikoyi Office of the ICPC against the Defendants and their fourth missing member. He then supplied ICPC with his phone number and address. He was then allowed to

return to Ibadan with the promise that should they have any information for him, they would contact him by phone.

On 26<sup>th</sup> April, 2007, PW2 received a call on his phone from ICPC officials inviting him to see them at the State Security Office at Iyaganku in Ibadan. He immediately proceeded to the State Security Service office where he met the ICPC officials one of whom was the PW1. There and then, PW2 owned up to writing the Petition in Exhibit A.

PW1 then instructed PW2 to call one of the Defendants on his phone which he did. He called the 1<sup>st</sup> Defendant. The 1<sup>st</sup> Defendant asked for the whereabouts of PW2 and PW2 informed the 1<sup>st</sup> Defendant that he was in Ekiti State but already had the money they discussed. However, he was yet to return to Ibadan. He then posted the 1<sup>st</sup> Defendant till the following day which was a Friday when he the PW2 said he would have been in Ibadan. The telephone conversation between PW2 and the 1<sup>st</sup> Defendant was done on speaker phone and was listened to by PW1 and members of his team.

After the said telephone conversation, PW1 instructed PW2 to switch off the phone till the following day which was Friday morning.

PW1 instructed PW2 to see him (PW1) at around 7:30 am on Friday which PW2 did. The meeting was at the State Security Service office where PW2 admitted that he did not have the ₦200,000.00 to give to the Defendants. When PW1 and his team had searched PW2 and were satisfied that he truly did not have such money or anything on him, they then gave him the ₦200,000.00 cash in N1,000.00 note denomination.

Thereafter, PW1 and his team then instructed PW2 to again call the Defendants and to inform them that he was now around in Ibadan. PW2 then called the 1<sup>st</sup> Defendant and passed on that information to him. They then both agreed to meet at Inastrate restaurant, Cultural Centre Mokola Ibadan. The PW2 as well as the PW1 and members of his team then proceeded to Inastrate restaurant to await the arrival of the Defendants. When it was about 30 minutes after the PW2, PW1 and PW1's team members had reached the restaurant, the 1<sup>st</sup> Defendant arrived at the canteen and went inside to meet with the PW2. There, the 1<sup>st</sup> Defendant inquired from the PW2 if he had the money on him. Again the 1<sup>st</sup> Defendant said to the PW2 that he would collect an additional sum of ₦50,000.00 on his own alone from the PW2 if PW2 will collect back his car in the evening of that day. PW2 then promised that he would give the 1<sup>st</sup> Defendant the additional ₦50,000.00. Thereafter, the 1<sup>st</sup> Defendant went and invited the remaining three Police men from inside the commercial bus outside. The four of them then returned into the canteen where PW2 was waiting for them. Back in the Canteen, the 1<sup>st</sup> Defendant bought food for the three other Policemen. The 1<sup>st</sup> Defendant then requested for the said sum of ₦200,000.00 from the PW2.

The 1<sup>st</sup> Defendant instructed PW2 to hand over the said money to the 2<sup>nd</sup> Defendant Kabiru Akanmu. The two packets of ₦1,000.00 denomination were handed over to the 2<sup>nd</sup> Defendant. PW2 was shown Exhibit B1-B200 which he readily identified as the money he was referring to.

After the PW2 had handed over the money to the 2<sup>nd</sup> Defendant on the instruction of the 1<sup>st</sup> Defendant, they then all moved out of the Canteen. It was when they had stepped out of the Canteen that the PW1 and his team members then



arrested the Defendants. PW2 testified further that PW1 and his men then took the Defendants to the State Security Service Office. PW2 further reiterated the alleged threat of the Defendants to rope him into an alleged armed robbery case if he failed to give them the sum of ₦200,000.00 that they demanded of him. He denied having any armed robbery case pending against him to his knowledge before the Defendants and their fourth missing colleague visited him in his office at Oke-Ado on 20<sup>th</sup> April, 2007. He further denied having any previous connection or interaction with the Defendants before their 20<sup>th</sup> April, 2007 visit to his Office at Bamidele Plaza, Oke-Ado, Ibadan and their invitation to him to come to their Iddo Gate Station. PW2 further denied the claim that he used to park his personal car with the Defendants anytime he wanted to travel out of town. He also denied travelling to Ekiti State. It was just a decoy to effect the arrest of the Defendants.

At the end of the evidence-in-chief of the PW2, he was cross examined by Femi Akintomiwa Esq., learned counsel to the Defendants in this case.

PW2 gave his full name as Badmus Olawale Akojede and denied bearing Kabiru Akojede. He also denied the suggestion that he was also known as Omu Iya. He admitted knowing one Felix Ajani who is also known as Owolabi. He denied ever knowing the 1<sup>st</sup> Defendant prior to the incident that now brought them together. He admitted that he (i.e P.W.2) once lived at Alagba Street, Monatan, Ibadan. He again denied that the 1<sup>st</sup> Defendant, himself as well as the Felix Ajani ever lived together in the same house before at Monatan Ibadan neither did he and the 1<sup>st</sup> Defendant ever lived together in the same house at any time before. He admitted knowing the agent who collected the rent from the house he lived in at Monatan but not his name. He



won't know if he is a Mr. Ismaila or not. He denied that Baba Toheeb is the agent but admitted that Baba Toheeb was an auto electrician who was also himself a tenant in the house. He further denied knowing any Pastor and Prophetess Isreal Akande. He admitted that he was once arrested by the Police on a case of alleged fraud against the Pastor and Prophetess Akande but denied knowing anything about the alleged fraud. He stood his ground that the couple were not known to him, but admitted that he was once arrested on a warrant issued by a Magistrate in connection with a complaint from the said couple but that he was granted bail by the Police at Eleiyele Police Station. He also admitted that he has since been paying back the agency commission he obtained from the transaction. He denied having any other cases that bother on dishonesty and fraud.

PW2 denied being involved in any other Criminal matters. He admitted known one Lanre Opelusi but denied that he is his friend. He met Lanre Opelusi through his brother one Tunde Opelusi. He denied knowing the whereabouts of the said Lanre Opelusi and the suggestion that both him and the Lanre Opelusi share a common office.

PW2 admitted giving the bribe money to the 2<sup>nd</sup> Defendant openly and that the money was not concealed in any bag or envelope.

He testified that even though the 2<sup>nd</sup> Defendant attempted counting the money when same was handed to him but the 1<sup>st</sup> Defendant prevailed on him not to do so.

He denied being aware of any entry being made in the Police log book on the day that his car was impounded at the Iddo Gate Police Station by the 1<sup>st</sup> Defendant and his team members. He further denied having ever visited the 1<sup>st</sup> Defendant in



the past in the Company of Lanre Opelusi. He also vehemently denied the suggestion that he and the Defendants were well known to each other. He admitted that Felix Ajani a.k.a Owolabi was a Policeman but denied knowing that both the 1<sup>st</sup> Defendant and the Felix Ajani were friends or worked together. He denied having been to Iddo Gate Police Station several times in the past to see the Felix Ajani. In rounding off his testimony under cross examination, PW2 denied vehemently the suggestion that the money he gave to the Defendants was actually a gift that he had promised to give the Defendants.

PW3 was one Adira Akison, an investigator with the Special Duties Department of the ICPC. He testified that a petition written by one Badmus Akojeda was referred to his team of investigators for investigation. His team included PW1 as the leader. The team met and fashioned out their strategy for going about the investigation. They obtained ₦200,00.00 cash from ICPC treasury in ₦1,000.00 denomination. He testified that PW2 had reported in his petition that a team of Police Officers arrested him and were demanding the said sum of ₦200,000.00 as bribe. His team had earlier called the PW2 to confirm that he was indeed the author of Exhibit A, the petition. His team made photocopies of the entire sum of ₦200,000.00 cash and also registered the serial numbers on all the ₦1,000.00 notes in the Exhibit register kept in the Special Duties Department of the ICPC. As the Exhibit keeper of the department, PW3 testified that their team leader PW1 handed the said money over to him for safe keeping. On 26<sup>th</sup> April, 2007, the team made up of the PW1, PW3 among others embarked on a working visit to Ibadan. At Ibadan, they touched base at the State Security Services headquarters where they incidented



their arrival, secured a conducive office accommodation there as well as arranged for a back up. Thereafter, they then put a call through to PW2 who then joined them at the said State Security Service (SSS) headquarters. Again, PW2 confirmed his authorship of Exhibit A. PW2 further gave a background explanation of the contents of Exhibit A to PW1, PW3 and their other team members. It was at that point that PW1 instructed PW2 to put a call through to the 1<sup>st</sup> Defendant, the leader of the team of Policemen while the phone used was on speaker phone to enable the ICPC investigative team hear their conversation.

PW3 testified that he listened to PW2 as he spoke with the 1<sup>st</sup> Defendant on phone telling the 1<sup>st</sup> Defendant that he was in Ado Ekiti getting ready to return to Ibadan with the ₦200,000.00.

Thereafter, PW1 instructed PW2 to switch off his phone till the next morning.

In the morning of 27<sup>th</sup> April, 2007, PW3 testified that his team reassembled with the back up team made available to them by the State Security Service to re-strategize on how best to carry out their operation. They all settled for a canteen/restaurant located at Mokola Cultural Centre as a suitable venue for their said operation. PW1 again instructed PW2 to call the 1<sup>st</sup> Defendant to apologise for not returning to Ibadan the previous day and to direct the Defendants to the venue at Cultural Centre, Mokola, Ibadan. The entire team thereafter headed to the venue. PW3 testified that during the telephone conversation on speaker phone from PW2 to the 1<sup>st</sup> Defendant, he overheard the 1<sup>st</sup> Defendant re-iterating the earlier demand he had made for ₦200,000.00 and an additional personal sum of ₦50,000.00 which he would return to collect without the knowledge of the other Defendants. The team



then handed over the said sum of ₦200,000.00 to PW2 and together they all headed for the arranged venue where the team members took vantage positions.

PW3, one Joseph Daniel and one of the State Security Service back up team members then entered into arranged Canteen/Restaurant and pretended as though they were entertaining themselves while PW2 also did same. It was only a matter of minutes before PW3 saw the 1<sup>st</sup> Defendant walk into the Canteen and headed straight to the PW2 where he observed them exchanging pleasantries. He again saw the 1<sup>st</sup> Defendant exit the Canteen for a brief period only to return with three other men, two of whom are the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants into the Canteen.

PW3 saw the 1<sup>st</sup> Defendant as he ordered for plates of amala for each of his team members i.e. the three Defendants and their fourth missing member. He also saw the 1<sup>st</sup> Defendant beckon on the 2<sup>nd</sup> Defendant who was hitherto sitting at a point opposite the 1<sup>st</sup> Defendant. Ultimately, the 2<sup>nd</sup> Defendant sat close to the PW2 on the one side while the 1<sup>st</sup> Defendant was sitting to his other side. PW3 then saw the PW2 bring out the arranged ₦200,000.00 in ₦1,000.00 notes and handed same over to the 2<sup>nd</sup> Defendant who then pocketed same. It was shortly thereafter that they all rose, paid for the amala they ate and headed out of the Canteen with the PW2. PW3 and his team followed the Defendants and the PW2 unnoticed.

Outside the Canteen, PW3 gave his team leader PW1 who had all the while been outside the pre-arranged sign to indicate that the "bribe" had been given by PW2 and taken by the Defendants. PW1 then immediately moved towards the Defendants, introduced himself to them as an operative of the ICPC and then effected their arrest for demanding ₦200,000.00 bribe and receiving same from the PW2. The

2<sup>nd</sup> Defendant immediately took to his heels. Both the PW3 and Joseph Daniel ran after him and got him apprehended after some distance. The 3<sup>rd</sup> and 1<sup>st</sup> Defendants were arrested relatively more easily than the 2<sup>nd</sup> Defendant while their fourth colleague escaped arrest that day.

The Defendants were then taken to the Ibadan State Security Service office from where they journeyed with the PW1 and his team of Investigators one of whom was the PW3 to Abuja.

The alleged bribe money of ₦200,000.00 was still in the possession of the 2<sup>nd</sup> Defendant while the Defendants PW1 and his team members travelled to Abuja.

On reaching the ICPC headquarters in Abuja, the PW1 and his team members one of whom was PW3 then requested the 2<sup>nd</sup> Defendant to bring out the ₦200,000.00 that was in his possession with a view to comparing the notes with the entries in the Exhibit register of the ICPC as well as the photocopies of the money. PW3 testified further that the 2<sup>nd</sup> Defendant in the presence of the 1<sup>st</sup> and 3<sup>rd</sup> Defendants confirmed the entries as well as the photocopies of the ₦1,000 notes as being those of the alleged bribe money of ₦200,000.00 produced from the possession of the 2<sup>nd</sup> Defendant before the 2<sup>nd</sup> Defendant endorsed the records as such. It was at that point that all the three defendants volunteered Statements to the operatives of the ICPC. PW3 identified Exhibit A as the petition that his team worked on. He equally identified the ₦200,000.00 cash as well as Photocopies of the cash in Exhibits D1-D20. In rounding off his evidence in Chief PW3 testified that he sat close enough to the Petitioner i.e. PW2 as well as the 1<sup>st</sup> and 2<sup>nd</sup> Defendants at the



restaurant on the fateful day to observe vividly all that was taking place between them.

Under cross examination by Femi Akintomiwa Esq., learned counsel for the defendants, PW3 admitted that from the statements of the Defendants to the ICPC, the Defendants claimed that the PW2 was well known to them. As a result, he said that his team investigated the claim first from PW2 who denied any relationship with the Defendants.

Secondly, upon the visit of the PW3 and his team to the Police Headquarters at Ibadan, the professional colleagues of the Defendants and the ACP confirmed that the Defendants were in the habit of extorting money from members of the public; Thirdly, PW3 testified that the telephone conversation that took place through speakerphone between PW2 and the 1<sup>st</sup> Defendant which he had opportunity of listening to, did not suggest that the PW2 and the Defendants had any prior relationship of friendship or acquaintanceship prior to the arrest of the PW2 by the Defendants.

PW3 admitted that he might not have recorded this much in his report, he always knew that he would testify in this case and supply the details. He admitted that the report he submitted of his investigative activities in this case was a mere summary.

PW3 denied the suggestion that he is a Police man even though he has benefitted from exposure to series of trainings in investigation both within and outside Nigeria.

PW3 categorically stated that his duty was to establish the case of demand for bribe and the subsequent receipt by the Defendants. PW3 would not remember if any Lanre Opelusi name was mentioned as being a common friend of the Defendants and PW2. This was the case of the Prosecution against the Defendants.

The Defendants entered in their defence and called 5 witnesses.

DW1 was one Nureni Gbadamosi; a panel beater. He testified knowing the 1<sup>st</sup> Defendant with the PW2 and one Felix Owolabi as friends even though he described the PW2 as Wale Badmus. He testified knowing the 1<sup>st</sup> Defendant as an intimate friend of the PW2 the Complainant in this case. He further testified that at all times in the past that he had worked on PW2's car, the PW2 instructed him to deliver the car at Iddo Gate Police Station to one Felix Owolabi, a Police officer there but who is now deceased.

DW1 admitted that it has been two or three years since he last saw PW2. When he heard about the controversy of bribe money between the PW2 and the 1<sup>st</sup> Defendant, he tried to mediate settlement but to no avail. The Prosecution chose not to cross examine the DW1.

DW2 was one Kayode Atilola. He testified knowing that PW2 and the 1<sup>st</sup> Defendant are friends and have so been for many years even though both PW2 and the 1<sup>st</sup> Defendant are younger in age to him. Again, the Prosecution chose not to cross examine the DW2.

DW3 was one Rotimi Awopetu, a Caterpillar Mechanic, and an avowed drinking mate of the PW2 where they allegedly drank beer at Ososami Area of Ibadan. He further testified that the Defendants are also some of their beer drinking mates

whenever they gathered at their beer drinking lounge. Besides, that they also joined one another to celebrate social occasions and ceremonies. One of such ceremonies took place at Ikire. He rounded off his testimony by admitting that they all are friends i.e. himself, PW2 as well as the Defendants.

Under cross examination by O.T. Ogunnika Esq., learned counsel for the Prosecution, DW3 admitted knowing that PW2 did not own a Caterpillar but as a Caterpillar Mechanic, he admitted that he also worked on cars that drove on diesel engine. He admitted that he had never visited PW2 before but that it was PW2 who used to visit him at his workshop.

DW4 was Omotosho Lawrence, the 3<sup>rd</sup> Defendant. He admitted knowing the 1<sup>st</sup> and 2<sup>nd</sup> Defendants as well as the PW2. He got to know PW2 through the 1<sup>st</sup> Defendant. He has known PW2 since 2005. He testified further that the PW2 whom he described by an alias as "Omu Iya" came to their office on 27<sup>th</sup> April, 2007 with his car and informed the 1<sup>st</sup> Defendant of his plan to travel to Ekiti but that he did not want to go with his car. As a result, PW2 parked his said car in their office promising that as he returned, he would bring something for them.

PW2, according to DW4 had a habit of giving the Defendants cash gift every time he has been to their office in the past. He also testified that it was not the first time PW2 was parking his vehicle in their office. According to DW4, PW2 would come into their office sometimes around closing time at 6:00 pm or thereabout to pick the 1<sup>st</sup> Defendant and at other times, he would visit them in their office, buy drinks for them and at other times, they in turn bought the drinks which they all drank to socialize. He testified that PW2 and the 1<sup>st</sup> Defendants are mutual friends and with



one Felix Owolabi whom the PW2 would invite to join him anytime he visited their office.

The said Felix Owolabi is now late but he was until his death a Policeman. The office of the 3<sup>rd</sup> Defendant and his co-defendants is at Iddo Gate Police Post, Dugbe, Ibadan. At this juncture, Learned counsel to the Defendants sought to be given the exhibits tendered in this case with a view to asking some questions of DW4 (the 3<sup>rd</sup> Defendant) from them. The Court then informed the Defendants and their counsel of a regrettable development that had befallen the Exhibits room of the Court which resulted in Court exhibits being lost, mis-sorted or completely misplaced. The search for the Exhibits yielded no positive result. The staff of the Judiciary in charge of the Exhibits room have since been arraigned before the Magistrate's Court in connection with the loss, tampering or misplacement of court exhibits kept in their custody. The Exhibits tendered by the Prosecution in this case were all involved in the despicable loss of Exhibits in the Courts Exhibits room. A.E Ayade Esq., learned Counsel for the Prosecution then offered to make available to the Court Certified True Copies of all the Exhibits tendered by the Prosecution since in any event, they were all tendered from the custody of the Prosecution. Learned Counsel to the defendants objected to the Court receiving and relying on the Certified True Copies of the Exhibits tendered by the prosecution in this case on account of the Certified True Copies not being the Exhibits already tendered and received in evidence in this case. In a considered ruling, this Court dismissed the objection and received the Certified True Copies of the said documents already earlier received in evidence and marked as Exhibits so

that the Court could make use of them as dependable substitutes for the misplaced exhibits.

This was the state of affairs for a considerable length of time during which the case suffered several adjournments. Suddenly, the Defendants stopped attending court. The court issued bench warrants to no avail. It turned out that the evidence in chief of DW4, the 3<sup>rd</sup> Defendant was not concluded as a result of his disappearance. In the course of time, the Prosecution informed the court that they got wind of the 2<sup>nd</sup> Defendant being in prison custody in connection with another matter entirely at Ijebu-Ode. The Court then issued a production warrant which resulted in the Prison Authorities producing the 2<sup>nd</sup> Defendant in this Court. When it became unrealistic and perhaps impossible for the defence to produce the DW4 (3<sup>rd</sup> Defendant) to conclude his evidence-in-chief and be cross examined on same by the Prosecution, the Defence then called the 2<sup>nd</sup> Defendant as DW5 in this case.

DW5 was the 2<sup>nd</sup> Defendant. He is Akanmu Kabiru, a Police officer. At all times material to this case, he was attached to the D.P.O Surveillance, Iyaganku Police Station, Ibadan. He testified knowing the 1<sup>st</sup> Defendant as well as the 3<sup>rd</sup> Defendant that the 1<sup>st</sup> Defendant was his O/C at Iyaganku.

That the 3<sup>rd</sup> Defendant and himself worked under the 1<sup>st</sup> Defendant as their Officer-in-charge. All three of them worked together as a team. He testified further that on 20<sup>th</sup> April, 2007, he knew that something transpired between the 1<sup>st</sup> Defendant and one Mr. Wale, the PW2 in this case. On that fateful day, the 1<sup>st</sup> Defendant together with his team which comprised the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants booked at the station on Surveillance patrol in their area of jurisdiction. They saw



the PW2 who he claimed happened to be a friend to the 1<sup>st</sup> Defendant, his Officer-in-charge. 1<sup>st</sup> Defendant allegedly introduced the PW2 to the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants as his friend. There and then the said PW2 informed them of his Plan to travel to Ado-Ekiti but that he did not want to go with his car, one Honda car. He wanted the car kept for safe keeping at the Police Station because of the election that was on going at Ibadan then. 1<sup>st</sup> Defendant then allowed PW2 to bring his said car to their station for safe keeping.

On 27<sup>th</sup> April, 2007, the 2<sup>nd</sup> Defendant testified further that when he got to the Station that morning, the 1<sup>st</sup> Defendant informed him that the PW2 had called earlier and invited them to meet him at one restaurant at Mokola and that he had returned from Ado-Ekiti. They then proceeded to the said restaurant where they met PW2. The 1<sup>st</sup> Defendant first went to the PW2 and they started chatting and playing which he the 2<sup>nd</sup> Defendant and the 3<sup>rd</sup> Defendant sat at the other side of the restaurant. They ate at the restaurant. The 1<sup>st</sup> Defendant then beckoned on him, the 2<sup>nd</sup> Defendant and instructed him to collect from PW2 what he promised to bring for them from his Ado-Ekiti trip. The PW2 then handed it over to him (the 2<sup>nd</sup> Defendant) and he the 2<sup>nd</sup> Defendant put same in his pocket. He testified that he did not know how much it was. Having collected it from PW2, the 2<sup>nd</sup> Defendant then testified that he returned to where he was sitting previously, while both PW2 and the 1<sup>st</sup> Defendant continued to talk and chat away. Thereafter, both PW2 and the 1<sup>st</sup> Defendant rose from their seat and headed out of the restaurant while he the 2<sup>nd</sup> Defendant and his colleague, the 3<sup>rd</sup> Defendant then followed them. He testified further that all of a sudden, some people started running after them and everybody



too started running including he himself. They caught the three of them that is himself, the 1<sup>st</sup> and 3<sup>rd</sup> Defendants. The people who caught them then carried them to Abuja. It was in the course of their journey to Abuja that their assailants' introduced themselves as ICPC officials. When they got to Abuja, DW5 testified that they were ordered to write statements. He further testified that as a member of the Surveillance Team, his schedule of duty included patrolling the area of jurisdiction to prevent crime. That they also do station guard doing beats. He testified that the money he collected from PW2 at the restaurant on the instruction of the 1<sup>st</sup> Defendant, his O/C was the gift that the PW2 had promised to bring for them from his journey to Ado-Ekiti. He again re-emphasized the fact that he got to know PW2 on 20<sup>th</sup> April, 2007 when the 1<sup>st</sup> Defendant introduced him to them as his friend. He denied collecting the money from PW2 so as not to implicate him in an alleged case of armed robbery against him. This is because, according to him, his team does not investigate crimes at all let alone investigating armed robbery. He also denied ever demanding ₦200,000.00 from the PW2 as gratification. He further denied receiving ₦200,000.00 from the PW2. He testified that it was only when they had reached Abuja that he got to know that the amount given to him by PW2 was ₦200,000.00 emphasizing that the same was a gift.

The 2<sup>nd</sup> Defendant who testified as DW5 was there, cross examined by K.F Adeoluwa Esq. learned counsel for the Prosecution. Under cross examination, the 2<sup>nd</sup> Defendant admitted that he was no longer a Police Officer and that happened as a result of a problem he got himself involved in 2015 at Ijebu-Ode, i.e. a murder case. He testified that he was attached to Iyaganku Police Station when he served at

Ibadan and that PW2's car was parked at Iddo Gate Police Station which was an annexe of the Iyaganku Police Station. He admitted that when his team met PW2 on 20<sup>th</sup> April, 2007, the team was made up of four men. He said that it was at J. Allen that their team met the PW2. He remembers the names of three of the four men team that met the PW2 on the fateful day. It was the first time that he was seeing the PW2 ever. He therefore had no idea if PW2 had ever been parking his car at their station before that day. On that day when they saw PW2 at J. Allen, 2<sup>nd</sup> Defendant testified that the 1<sup>st</sup> Defendant was the one who went to the PW2 in his car and PW2 drove the car into their Iddo Gate Police Station. He further admitted that he and his team members were not in any vehicle when they saw PW2 at J. Allen on that fateful day. They were at J. Allen when PW2 allegedly saw them and parked and that while the 1<sup>st</sup> Defendant rode in PW2's car to their Iddo Gate Station, the three remaining members of their team, one of whom he was, walked on foot to their said station where they allegedly met the car already parked for "safe keeping".

2<sup>nd</sup> Defendant acknowledged that his training as a Police Officer also included weapon handling but that he was not carrying any gun on the 27<sup>th</sup> April, 2007 when he met the ICPC officials.

Therefore, no pistol was recovered from him. He also would not know if any pistol was recovered from any other member of their team on the said day, not even a handcuff. He however did not doubt that they may have recovered a pistol and handcuff from the 1<sup>st</sup> Defendant, his Officer-in-charge.

2<sup>nd</sup> Defendant again said that on 27<sup>th</sup> April, 2007 when he got to his office and the 1<sup>st</sup> Defendant informed him that the PW2 had called him and requested him to



meet with him at a restaurant on his return from Ado-Ekiti, that the 1<sup>st</sup> Defendant never informed him that they were to go and collect a gift.

It was just accompany their O/C, the 1<sup>st</sup> Defendant to the said restaurant. Again the 2<sup>nd</sup> Defendant said that three out of their five member team went to the said restaurant on that fateful day.

2<sup>nd</sup> Defendant again re-iterated that it was his O/C, the 1<sup>st</sup> Defendant who ordered him to collect the gift that PW2 allegedly brought for them from Ado-Ekiti. He also admitted that PW2's car was still parked at Iddo Gate Police Station when PW2 gave them the controversial money or gift. According to him, it was because PW2 said that he was still going back to Ado-Ekiti but he would not know whether the sole purpose of the PW2 returning to Ibadan was to give them the alleged controversial gift before again returning to Ado-Ekiti.

He again re-iterated that it was only at the Restaurant that he realized that it was solely because of the gift that they went to meet PW2 at the said restaurant.

He further admitted that the ICPC officials that he saw on 27<sup>th</sup> April, 2007 were not in uniform but were armed and that they even fired into the air. He also said that after the ICPC operatives had caught up with him on that fateful day, they hit his head with the butt of their rifle which injured him and resulted in him being treated at a Hospital at Jericho on their way to the State Security Service office. He allegedly ran for his dear life when ICPC operatives allegedly started shooting indiscriminately. He ran because other people were also running. His injured head was allegedly sutured at a hospital in Abuja. He admitted that it was in Abuja where he realized that the money handed to him by PW2 was ₦200,000= made up of

₦1,000.00 notes denomination. This was the case of the defence. This had to be because the 1<sup>st</sup> and 3<sup>rd</sup> Defendants had stopped attending court for a long time now. As a matter of fact, the evidence-in-chief of the 3<sup>rd</sup> Defendant had to be abandoned mid way when the 3<sup>rd</sup> Defendant no longer attended court to complete his testimony and give the Prosecution the benefit of cross examining him.

At his state therefore, counsel on both sides filed and exchanged their respective final written addresses which they both adopted before the court in urging in support of their respective positions.

In the Defendants' counsel's written address, after reviewing the facts as led in evidence by both the Prosecution and the Defendants, learned counsel to the Defendants formulated two issues for the determination of this court in this case.

They are:

- (1) Whether the Prosecution has proved beyond reasonable doubt with cogent and compelling evidence that the Defendants are guilty of corruptly demanding and receipt of gratification from the complainant in the course and/or discharge of their duties? and
- (2) Whether the Prosecution has proved beyond reasonable doubt with cogent and compelling evidence that the Defendants are guilty of conspiracy to corruptly demand and receipt of gratification from the complainant in the course and/or discharge of their duties?

In addressing the Court on the offences charged, learned counsel to the Defendants lumped together Counts 2 and 4 which according to him constitute the substantive charge and then addressed counts 1 and 3 together which deal with



conspiracy to corruptly ask for gratification contrary to S. 26(1)(c) and punishable under S. 8(1)(a)(iii) of the corrupt practices and Other Related Offences Act, 2000 and Conspiracy to corruptly receive gratification contrary to S. 26(i)(c) and punishable under S.8(1)(a)(ii) of the Corrupt Practices and Other Related Offences Act, 2000.

In addressing the two issues formulated above for the determination of this court, Learned counsel to the Defendants submitted that the Prosecution has failed to prove counts 2 and 4 of the offences charged beyond reasonable doubt and not having discharged the onus successfully, counsel urged the Court to discharge and acquit the Defendants on the said counts. Furthermore, Counsel submitted that the counts 1 and 3 that charge Conspiracy to corruptly ask for gratification and Conspiracy to receive gratification can only succeed if the Prosecution successfully proved the offences of corrupt demand for gratification and corrupt receipt of gratification.

It is the case of the Defendants that the Prosecution failed to prove the offences of corrupt demand for gratification and corrupt receipt of gratification beyond reasonable doubt. That being the case, it is the Defendants' further submission that the two counts of conspiracy to corruptly ask gratification and conspiracy to corruptly receive gratification will also fail.

In their own final written address, Counsel to the Prosecution formulated the following issue for the determination of the Court. The issue is:

"Whether the Prosecution has not discharged the burden of proof placed upon it by law and proved beyond reasonable doubt the charge against the three

defendants in this case considering the totality of the evidence adduced in the course of the Prosecution of this case?"

Learned Counsel to the Prosecution identified the essential elements that the Prosecution was expected to prove in Order to secure the conviction of the Defendants on all the four counts charged as follows:

1. That the Defendants corruptly demanded for gratification.
2. That the Defendants corruptly received gratification;
3. That there was conspiracy between the Defendants to do (1) & (2) above.

In rounding off the address, counsel urged the court to hold that the Prosecution successfully established all the ingredients of the offences charged and convict the Defendants accordingly.

On being served with the written address of the Prosecution, Learned Counsel to the Defendants again caused to be filed a reply on points of law. However, in doing so, in the opinion of this Court, learned counsel to the Defendants seemingly introduced or raised a new issue of law entirely on the telephone conversation which allegedly took place on speaker phone between PW2 and the 1<sup>st</sup> Defendant was hearsay i.e. that the response of the alleged 1<sup>st</sup> Defendant on speaker phone even though ascribed to the 1<sup>st</sup> Defendant might well have been somebody else's voice entirely. It was in that sense that the Defendants submitted that same constituted hearsay and was accordingly inadmissible.



As Brilliant as this submission might seem, a reply on points of law is not an opportunity or platform for the party replying to introduce new issues of law that were probably omitted in the main address.

In any event, even if this Court will treat the reply credited to the 1<sup>st</sup> Defendant on the alleged conversation between the PW2 and the 1<sup>st</sup> Defendant as hearsay, how is the Court to treat the fact that the 1<sup>st</sup> Defendant and his team which included the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants turned up at the designated agreed restaurant/canteen on Mokola hill, the venue agreed by the PW2 together with the PW1 and PW3 as the suitable venue for their sting operation and which was suggested to the 1<sup>st</sup> Defendant. Can it be such a coincidence? The case of the Prosecution was that PW2 was encouraged by PW1, the leader of the team of investigators in the presence of PW3 to invite the 1<sup>st</sup> Defendant and his team which included the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants as well as one other member who is now at large to join the PW2 at the designated restaurant on Mokola Hill. On the 27<sup>th</sup> April, 2007, the agreed date for the sting operation, PW2 put the call through on speaker phone to the hearing of PW1 and PW3 inviting the 1<sup>st</sup> Defendant to come to the designated canteen at Mokola to collect "the money."

Pronto, the 1<sup>st</sup> Defendant and his team among whom were the 2<sup>nd</sup> and the 3<sup>rd</sup> Defendants headed for the designated restaurant/Canteen on Mokola Hill. PW1, PW2, PW3 together with their other team members had arrived the venue ahead of the 1<sup>st</sup> Defendant and his co-travelers i.e. the 2<sup>nd</sup> & 3<sup>rd</sup> Defendants as well as their 4<sup>th</sup> member now at large. We shall return to this aspect of the evidence later in the course of this judgment.

Having considered the case of the Prosecution as well as the defence of the defendants together with the written addresses of counsel, on both sides, this court can summarize this case in the following terms.

In order to establish the case of the Prosecution against the Defendants, the Prosecution called three witnesses. The case of the Prosecution was that according to PW2, he was at his office at Bamidele Plaza, Oke-Ado, Ibadan on 20<sup>th</sup> April, 2007 when the 1<sup>st</sup> Defendant came into his office asking to see him. The 1<sup>st</sup> Defendant was then in the Company of the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants and also the 4<sup>th</sup> member of their team who is now at large. PW2 narrated how the 1<sup>st</sup> Defendant informed him that there was a case of armed robbery that was reported and being investigated which involved the PW2. The PW2 was invited along with the 1<sup>st</sup> Defendant and his said team mates to follow them to their station.

PW2 testified that he drove his car to the Defendants' Iddo Gate Police Station. His car was parked inside the station and he was thrown behind the Counter for hours. It turned out that it was the ploy of the Defendants to break his resolve or indeed break him into a willing readiness to negotiate his freedom. He testified that even when he demanded from the Defendants to be shown the petition allegedly received about him which the Defendants were allegedly investigating the Defendants never showed him any petition but after having been held for a considerable length of time, he pleaded with the Defendants. The Defendants then asked him for a bribe sum of N200,000= in order for him to be released and not be implicated in the alleged armed robbery case that they were allegedly investigating. The PW2 successfully pleaded with the 1<sup>st</sup> Defendant who was the head of the team of the Defendants for



him to be released to enable him go and hustle for the demanded sum of ₦200,000.00. PW2 was lucky.

The 1<sup>st</sup> Defendant released him but held on to the car of the PW2 which was detained at the Defendants' Iddo Gate Police Station in an apparent arrangement to serve as "collateral" for the bribe money being demanded from the PW2 by the 1<sup>st</sup> Defendant and his men including the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants.

PW2 testified going to the Lagos office of the ICPC, the Prosecuting agency in this case to report his experience with the Defendants.

At the Lagos Office of the ICPC, PW2 wrote a petition in Exhibit A. Exhibit A reported that the 1<sup>st</sup> Defendant and three others who included the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants arrested the PW2, seized his car and demanded for a sum of ₦200,000= in order for him to be able to recover his said car. PW1 and PW3, officers of the ICPC digested Exhibit A and strategized on how they would go about executing the operation. In preparation for the operation, PW1 and PW3 testified that they collected the alleged sum of ₦200,000.00 in ₦1,000.00 notes from the ICPC coffers, recorded the numbers of the entire 200 pieces, made photocopies of same. The photocopies of the ₦1,000 notes on 20 sheets were received in evidence and marked as Exhibits D1-D20.

Having fully prepared and confirmed the authenticity of Exhibit "A" and the seriousness of the PW2, the PW1 and his team travelled to Ibadan purposely for the sting operation designed to confirm the allegation of the PW2 in Exhibit A and for the possible arrest of the Defendants.

The PW1, and his team upon arriving in Ibadan touched base at the State Security Service Office where they co-ordinated the operation. PW2 was invited by PW1 and his team to the State Security Service office to strategize on how they would go about the sting operation.

PW1 instructed PW2 to put a call through to the 1<sup>st</sup> Defendant on speaker phone to give the 1<sup>st</sup> Defendant the impression that he PW2 was in Ado-Ekiti and would be returning to Ibadan on the following day with the ₦200,000.00 that the 1<sup>st</sup> Defendant and his team of Policemen demanded.

PW1 and PW3 listened on the telephone conversation. Immediately the call was over, PW2 was instructed to switch off his phone until the following day.

PW1 and his team as well as PW2 agreed that a Canteen/restaurant at Mokola will be best suited for the operation. This was on 26<sup>th</sup> April, 2007. The operation was thus planned for execution on 27<sup>th</sup> April, 2007. On the morning of 27<sup>th</sup> April, 2007, PW1 and his team handed the dedicated sum of ₦200,000.00 which was photocopied in Exhibits D1-D20 to PW2 and off they went to the agreed restaurant. PW2 was again instructed by PW1 to put a call through to the 1<sup>st</sup> Defendant to inform him that he had arrived Ibadan and will be waiting for the 1<sup>st</sup> Defendant and his team at the agreed restaurant on Mokola Hill, Ibadan.

PW3 and a couple of other members of their team went into the restaurant pretending to be patronizing the restaurant while the PW2 was also strategically seated at the different location in the restaurant but close enough for PW3 to observe whatever moves were being made where PW2 was seated. It was only a matter of time before the 1<sup>st</sup> Defendant and his team mates (2<sup>nd</sup> & 3<sup>rd</sup> Defendants together with



their fourth team member now at large) arrived at the venue. The 1<sup>st</sup> Defendant got into the restaurant first to undertake a literal reconnaissance of the restaurant and to reemphasize to PW2 that he 1<sup>st</sup> Defendant will take an additional personal ₦50,000.00 from PW2 unknown to members of his team. He had made that demand when PW2 earlier called him on speaker phone to the hearing of PW1 and PW3, satisfied that the coast was clear, the 1<sup>st</sup> Defendant stepped out of the restaurant to invite the three other members of his team i.e. the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants together with their fourth member who is now at large. PW1 was strategically located outside the restaurant observing the movements.

Back inside the restaurant, the 1<sup>st</sup> Defendant went to sit by the PW2 while the 2<sup>nd</sup> and 3<sup>rd</sup> Defendant sat opposite or across. They all ate and in a little while the 1<sup>st</sup> Defendant beckoned on the 2<sup>nd</sup> Defendant to come close to PW2 to collect the said sum of ₦200,000.00. The 2<sup>nd</sup> Defendant put the money in his pocket. The said ₦200,000.00 cash was recovered from the 2<sup>nd</sup> Defendant at the ICPC office, Abuja. Same was tendered in evidence and marked as Exhibit B1-B200. PW2 having handed the ₦200,000.00 cash to the 2<sup>nd</sup> Defendant at the instruction of the 1<sup>st</sup> Defendant, the 1<sup>st</sup> Defendant and his men started heading out of the Canteen, Inastrate Canteen, Mokola. No sooner had the 1<sup>st</sup> Defendant and his men stood up to go than PW3 and his team too followed. Outside the restaurant, PW3 showed a pre arranged sign to PW1 who was already strategically positioned, to show that the 1<sup>st</sup> defendant and his co-travellers had obtained the cash sum of ₦200,000.00 from PW2. That moment, PW1 immediately sprang into action to effect the arrest of the 1<sup>st</sup> Defendant and his men. The 1<sup>st</sup> and 3<sup>rd</sup> Defendants were immediately arrested while



the 2<sup>nd</sup> Defendant ran trying to escape but was soon overpowered by PW3 and his colleague who gave him a hot pursuit and caught up with him. The fourth member of the Defendants' team however escaped and is still at large till date.

The 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Defendants were then taken to the Abuja office of the ICPC immediately.

At the Abuja Office of the ICPC, the Defendants were each charged and cautioned and each of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants volunteered statements to the ICPC.

PW1 tendered in evidence the statement of the 1<sup>st</sup> Defendant. The same was received in evidence and marked as Exhibit E1-E2.

The statement of the 2<sup>nd</sup> Defendant was also received in evidence and marked as Exhibit "F" while the Statement of the 3<sup>rd</sup> Defendant was received and marked as Exhibit 'G'.

The 1<sup>st</sup> Defendant's narration on Exhibit E1-E2 is to the effect that PW2 is a friend of his and that he was in his office on 20<sup>th</sup> April, 2007 when PW2 came to see him and requested the indulgence of parking his car at their station as he was about traveling to Ado-Ekiti. The car, a Honda Accord with Registration Number Abuja C 398 FCT. According to the 1<sup>st</sup> Defendant, PW2 promised to bring something for him and his team when he returns to pick his car. On 27<sup>th</sup> April, 2007, when PW2 returned, he allegedly invited the 1<sup>st</sup> Defendant and his team to a restaurant. There, they ate and PW2 allegedly gave them money which he handed over to the 2<sup>nd</sup> Defendant. The 1<sup>st</sup> Defendant denied even knowing how much it was.



As for the 2<sup>nd</sup> Defendant, his narration as contained on Exhibit F is to the effect that on 20/4/2007 he in company of 1<sup>st</sup> Defendant and who others were on routine patrol when they saw PW2 who the 1<sup>st</sup> Defendant claimed to be his friend. He said PW2 then informed them of his plan to travel to Ado-Ekiti but would want to park his car at their station with the promise of bringing something for them on his return. PW2 allegedly parked his said vehicle in the Defendants' station. On 27<sup>th</sup> April, 2007, the 2<sup>nd</sup> Defendant claimed that he was informed by the 1<sup>st</sup> Defendant that PW2 had called him that day to inform him that he had return from the Ado-Ekiti trip and that he invited them to join him at a restaurant where they all then went and met the PW2. There, at the restaurant, they ate. The 1<sup>st</sup> Defendant sat initially with the PW2 chatting with him while the 2<sup>nd</sup> Defendant and his colleagues sat across from them. After a while, the 1<sup>st</sup> Defendant beckoned the 2<sup>nd</sup> Defendant to come closer. He then asked the 2<sup>nd</sup> Defendant to collect some money which PW2 had to give them. It was in ₦1,000.00 notes denomination. They soon started to leave the restaurant after he, the 2<sup>nd</sup> Defendant had put the money in his pocket. Once outside the restaurant, the 2<sup>nd</sup> Defendant claimed that some men in mufty started to run after him. He tried to escape but then, they caught up with him. On sighting a mopol officer in uniform with them, he realized that they were law enforcement officers. He as arrested along with his O/C, the 1<sup>st</sup> Defendant and the 3<sup>rd</sup> Defendant and initially taken to the Ibadan State Security Service office and later to Abuja. It was when he got to Abuja when he counted the ₦1,000.00 notes handed to him by PW2 on the instruction of 1<sup>st</sup> Defendant that he discovered that it was ₦200,000.00. He denied demanding for the said money from PW2 or anyone else at all.



On the part of the 3<sup>rd</sup> Defendant, his narration as contained in Exhibit G is to the following effect. On a particular Friday, PW2 allegedly came to their station. He was a well known friend of theirs. He requested to park his car in their Station while he travelled to Ado-Ekiti. He promised to give them something on his return from Ado-Ekiti. Immediately PW2 allegedly returned from his said Ado-Ekiti trip, he called them. He denied that they requested any money from PW2 but that it was PW2 who voluntarily promised them a gift. He allegedly invited them to somewhere as Mokola where they were arrested by ICPC operatives. He re-iterated that PW2 is their friend and that was why they went to meet him at Mokola. He denied knowing or seeing that PW2 gave anything to the 2<sup>nd</sup> Defendant during their visit to the Mokola restaurant.

In summary, the defence of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants at the earliest opportunity was that the PW2 was a friend of theirs and that the gift of the money to them was voluntary and not a product of any forced demand or extortion.

At the close of the case for the prosecution, the defendants entered in their defence and called five witnesses. DW4 and DW5 are the 3<sup>rd</sup> Defendant and 2<sup>nd</sup> Defendant respectively.

The thrust of the evidence of DW1 to DW4 was to establish that PW2 and the 1<sup>st</sup> Defendant as well as the 2<sup>nd</sup> & 3<sup>rd</sup> Defendants are friends who were not strange to one another and that the PW2 parking his car at their Station was not a new or strange development. The PW2 according to them was usually generous with the Defendants and usually gave them cash gifts. This the 2<sup>nd</sup> Defendant denied knowledge of thought.



However going by the account of the Defendants witnesses, while PW2 is reputed to be friendly with the Defendants and had made a habit of parking his car at their Station from time to time in past and also showed unusual generosity to the Defendants, no record of any report of any such activity had ever been made to ICPC or any other anti-graft agency by the PW2 to suggest that the alleged "generosity" was involuntary, coerced or demanded by force or undue influence by the "beneficiaries."

In the peculiar circumstances of the instant case, however, the case of the PW2 is that on 20<sup>th</sup> April, 2007, he was at his office at Bamidele Plaza, Oke-Ado, when the 1<sup>st</sup> Defendant and his team comprising the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants as well as a fourth member who is now at large visited him and informed him of a petition allegedly written against him alleging that he was involved in an armed robbery case. It was on that ground that PW2 was invited for questioning by the Defendants to their Iddo Gate Police Station.

PW2 drove his car to Iddo Gate Police Station on that fateful day. At Iddo Gate Police Station, PW2 was thrown behind the counter and left there unattended for hours. When night was approaching, knowing that nobody will risk spending his night in such a situation, the 1<sup>st</sup> Defendant appeared to the PW2 who apparently by that time had begun to exhibit some signs of desperation in order to regain his freedom. PW2 successfully negotiated his temporary release from the custody of the Defendants by agreeing to go and find the sum of ₦200,000.00 that the 1<sup>st</sup> Defendant demanded of him.

As a guarantee that PW2 will return to make good his promise of bringing to the 1<sup>st</sup> Defendant and his team mates the said sum of ₦200,000.00 demanded of



him, the 1<sup>st</sup> Defendant who was team leader for the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants decided to detain PW2's car in their station which was to be released to him when eventually he made good his promise of paying the 1<sup>st</sup> Defendant and his team mates the demanded sum of ₦200,000.00.

The 1<sup>st</sup> Defendant was persuaded that PW2 would be able to muster the said sum of ₦200,000=

Consequently, PW2 was allowed to go home that night but not his car.

On the following Monday, PW2 headed for the Lagos Office of the ICPC to formally report the activities of the Defendants. This he did in Exhibit "A".

The defence of the Defendants was that the sum of ₦200,00.00 given to them was not a bribe but a gift from the PW2 to them as his friends. I do not believe the friendship theory introduced by the Defendants to mask the offence and cloak the illegality with legality. If the friendship theory were to fly, one would dare say that with friends like the Defendants, the PW2 needs no enemies.

I do not believe that the Defendants met with the PW2 while in the course of doing their duty on the road or that it was the PW2 who drove into their Iddo Gate Police Station voluntarily to park his car there while he travelled to the imaginary Ado-Ekiti. In point of fact, it emerged in the course of the testimony of PW2 that he did not travel to any Ado-Ekiti or anywhere else at all. The Ado Ekiti theory was the brainchild of the PW1 and PW3 in order to work out a water tight strategy to effect the arrest of the Defendants.

I believe that the Defendants together with their fourth team mate now at large planned to extort money from the PW2. In furtherance and in execution of that



ignoble and highly reprehensible mission, they visited the PW2 at his Bamidele Plaza Office at Oke-Ado on 20<sup>th</sup> April, 2007 and informed him of an alleged non-existent petition accusing him of committing armed robbery. That was the basis upon which they invited the PW2 to their Iddo Gate Station where he was detained together with his car. While pleading with the 1<sup>st</sup> Defendant for his release claiming ignorance of any armed robbery offence, the 1<sup>st</sup> Defendant then promised to help him if he would pay ₦200,000.00 to him and his team mates. PW2 could not pay if he was detained in their custody unless he was allowed to regain his freedom. His freedom would not be complete otherwise there would have been no guarantees that the sum of ₦200,000.00 demanded by the 1<sup>st</sup> Defendant will be paid. It was for that reason that the 1<sup>st</sup> Defendant and his team mates held on to the PW2's car when the PW2 was allowed to go home late at night on 20<sup>th</sup> April, 2007.

The manner in which PW2 was instructed by the 1<sup>st</sup> Defendant at the Inastrate restaurant, Mokola on 27<sup>th</sup> April, 2007 to give the money to the 2<sup>nd</sup> Defendant negated, the suggestion of the existence of any cordiality or friendship between the 1<sup>st</sup> Defendant and PW2. To my mind, it was more consistent with coercion than a gift voluntarily parted with. If truly the 1<sup>st</sup> Defendant and PW2 were friends, I do not suppose that the 1<sup>st</sup> Defendant needed the company of the 2<sup>nd</sup> & 3<sup>rd</sup> Defendants together with their fourth team member now at large in order to meet with his supposed friend, the PW2 at the restaurant at Mokola to collect the gift. The fact of the 1<sup>st</sup> Defendant being there at the restaurant at Mokola with the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants to collect the bribe money was a logical extrapolation and closure to the chain of events that they set in motion on 20<sup>th</sup> April, 2007 when they visited PW2 in

his office at Bamidele Plaza, Oke-Ado. I do not believe the account of the 2<sup>nd</sup> Defendant that it was while on duty at J. Allen when they saw the PW2 on 20/4/2007 and that he then drove with the 1<sup>st</sup> Defendant into their Iddo Gate Station to park his car. In point of fact, it was the defendants and their 4<sup>th</sup> team member who is now at large who went to the PW2's office at Oke-Ado to arrest him.

I have considered the submission of learned counsel to the Defendants in his reply on points of law to the effect that the alleged telephone conversations that was undertaken on speaker phone by the PW2 with the 1<sup>st</sup> Defendant was hearsay and inadmissible. I do not agree that what PW1, PW2 and PW3 heard the 1<sup>st</sup> Defendant say to the PW2 was hearsay and therefore inadmissible. How does the Court then treat the fact that the 1<sup>st</sup> Defendant and his team members turned up at the Inastrate Mokola restaurant venue where they were invited to by PW2 during the said telephone conversation by speaker phone monitored by PW1 and PW3? In any event, PW2 testified expressly of the telephone conversation as to the communication that transpired between him and the 1<sup>st</sup> Defendant which was on speaker phone monitored by PW1 and PW3. It then ceases to be hearsay.

The totality of the evidence led by the Prosecution established an agreement among the Defendants as officers of the Nigeria Police to sell a dummy to an innocent unsuspecting citizen in the PW2 with a view to gaining undue and illegal advantage extorting money illegally from the PW2. PW2 parted with ₦200,000.00, Exhibit B1-B200 to the 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Defendants as gratification which the 1<sup>st</sup> Defendant demanded from PW2 in order that the Defendants may not implicate him in an armed robbery case they were allegedly investigating and which allegedly involved



him and in order that the Defendants may release the Honda Car of the PW2 which they impounded at their Iddo Gate Police post upon the arrest of the PW2 on a phoney imaginary charge of armed robbery on 20<sup>th</sup> April, 2007.

In SIMON V. STATE (2014) LPELR 23994 (CA), the Court of Appeal held that "It is trite law that proof of conspiracy is generally a matter of inference deduced from certain criminal acts of the accused done in pursuance of an apparent criminal purpose in common between them. This is because it is generally recognized in law that in a charge of conspiracy, proof of the actual agreement which is an essential ingredient of the crime is not always easy to come by. All that need to be established is that the criminal design alleged is common to all the conspirators.

In the instant case however, there is positive evidence that the 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Defendants together with their fourth co-traveller who is now at large visited the office of the PW2 at Bamidele Plaza together on 20<sup>th</sup> April, 2007 to threaten him as Police men with a case of armed robbery that involved him which they were allegedly investigating through an alleged petition written against him. Even when he was arrested on that day, he was not shown any petition but thrown behind the counter at the Iddo Gate Police Post where the Defendants worked. There, they also had PW2 drive in his Honda Car into their premises. They literally impounded the said car from the PW2. Late on 20<sup>th</sup> April, 2007, the 1<sup>st</sup> Defendant who is the leader and most senior of the Defendants in rank approached PW2 to discuss his possible release. It was then that the 1<sup>st</sup> Defendant made the demand of ₦200,000.00 bribe from PW2 so as not to implicate him in the imaginary armed robbery case that the Defendants were allegedly investigating.



The PW2 was released to go and search for the ₦200,000.00 on the night of 20<sup>th</sup> April, 2007. But his Honda Car was still detained in the custody of the Defendants at their Iddo Gate Police Post. This was their way of guaranteeing that PW2 will return with the sum the 1<sup>st</sup> Defendant demanded of him. When the PW2 eventually returned with the demanded sum of ₦200,000.00 which the Defendants went to Inastrate restaurant on Mokola Hill, Ibadan to receive from him, all the three Defendants together with their fourth colleague who is now at large were present.

The 2<sup>nd</sup> and 3<sup>rd</sup> Defendants testified that they accompanied the 1<sup>st</sup> Defendant to the restaurant at Mokola to collect the money that PW2 allegedly promised to give them as a "gift" upon his return from Ado-Ekiti. I do not believe the gift theory of the Defendants through. The manner in which the Defendants entered into the Mokola Hill restaurant where they allegedly went to meet PW2 on 27<sup>th</sup> April, 2007 will not seem to agree with their claim that it was a voluntary gift they went there to collect. PW1 and PW3 testified as to how the 1<sup>st</sup> Defendant initially came into the restaurant alone just to be sure that it was safe for him and his Co-Defendants to join the PW2 for their questionable mission. It was when the 1<sup>st</sup> Defendant figured that the coast was clear at the restaurant that he then went to invite the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants as well as their fourth colleague who is now at large. It was when the 1<sup>st</sup> Defendant entered alone on his 'reconnaissance' mission that he seized the opportunity to remind PW2 of the extra ₦50,000.00 he had earlier demanded from him on phone which was meant to be his exclusively.

The 2<sup>nd</sup> and 3<sup>rd</sup> Defendants knew they were going to meet PW2 to collect what they described as a gift from him. In point of fact, the money they collected was not a



gift but a bribe in order to ensure that they leave the PW2 off the hook and release his impounded car to him. The Defendants failed to give any evidence of any armed robbery case that they were allegedly investigating against the PW2. They also did not produce the alleged petition that led them to PW2 for them to effect the arrest of PW2 on 20<sup>th</sup> April, 2007. Their friendship theory also is not credible. The 2<sup>nd</sup> Defendant for example admitted contrary to the testimonies of DW1, DW2 and DW3, that the PW2 and the 1<sup>st</sup> Defendant were friends and that habitually, PW2 parked his car in their station for safe keeping anytime he was going out of town. The 2<sup>nd</sup> Defendant admitted that even though he was an integral part and member of the Surveillance Patrol team led by the 1<sup>st</sup> Defendant, he had never before 20<sup>th</sup> April, 2007 seen the PW2.

In the final analysis, the 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Defendants acted in concert. They visited PW2 together as a team on 20<sup>th</sup> April, 2007, effected his arrest detained him at their Iddo Gate Police Post, Ibadan, impounded his Car, through their leader, the 1<sup>st</sup> Defendant, they made the illicit demand for ₦200,000.00 which they all went to receive from the PW2 on 27<sup>th</sup> April, 2007 at the agreed Inastrate restaurant, Mokola Hill, Ibadan.

In *Effiom Jacob Abal v. The State* (2016) LPELR 40127 (CA) the Court of Appeal had this to say on parties to an offence. Parties, participes criminis to a crime include inter alia every person who actually does the act or makes the omission which constitutes the offence, person who aided, abetted or assisted them in the commission of the offence or who counselled, procured others to commit the offence

or knowingly facilitate the offence. See – **S.7 of the Criminal Code- per Elechi J.C.A @ P. 24 Paragraphs B-D.**

In the peculiar circumstances of this case, all the Defendants were involved from the word go in initiating the chain of events that led to the unlawful demand of the bribe sum of ₦200,000.00 Exhibit B1-B200 as well as the illegal receipt of the said sum. All that the Defendants did was to abuse their office as Police Officers charged primarily with the duty of securing the society. The Defendants took advantage of their position to harass an innocent member of the public, the PW2 with the ultimate goal of unlawfully enriching themselves.

This Court therefore holds that the Prosecution has successfully established the ingredients of all the four counts of the offences charged against the Defendants.

I therefore find the Defendants guilty as charged on all the four counts.

Accordingly, I find the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants guilty of the 1<sup>st</sup> count of conspiracy to ask for gratification contrary to **section 26(1)(c) and punishable under S.8(1)(a)(ii) of the Corrupt Practices and Related Offences Act of 2000.**

Furthermore, I also find the 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Defendants guilty of the 2<sup>nd</sup> count of Corrupt demand for gratification contrary to S.8(1)(a) and punishable under S.8(1)(b)(ii) of the Corrupt Practices and Other Related Offences Act, 2000.

This Court also finds the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants guilty of the 3<sup>rd</sup> count of conspiracy to corruptly receive gratification contrary to S. 26(1)(c) and punishable under S. 8(1)(b)(ii) of the Corrupt Practices and Other Related Offences Act 2000.



Finally, this Court finds the 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Defendants guilty of the fourth count of corrupt receipt of gratification contrary to **S. 8(1)(a) and punishable under S. 8(1)(b)(ii) of the Corrupt Practices and Other Related Offences Act, 2000.**

At this stage, Femi Akintomiwa Esq. learned Counsel to the Defendants came in an announced his appearance as leading Ms Mbam for the Defendants.

As allocutus, he urged the Court not to visit punishment that will destroy the Defendant. He opined that the aim of sentencing how is reform and not retribution. He urged the Court to take into consideration that the 2<sup>nd</sup> Defendant has been at this for 9 years now or thereabout. He is a family man whose family has suffered so much over the period. He urged the Court to be merciful on the 2<sup>nd</sup> Defendant and to defer the punishment or sentence of the 1<sup>st</sup> & 3<sup>rd</sup> Defendants till such a time when they are seen and present in court pursuant to **S.352(5) of the ACJA.** He prayed the Court to give a light sentence in the form of community service for the 2<sup>nd</sup> Defendant who has already learnt his lesson.

Court:- Having carefully considered the poignant and passionate plea of counsel to the 2<sup>nd</sup> Defendant and also having taken into account the fact that in doing all that he did in this case that he was acting under authority as a subordinate officer to the 1<sup>st</sup> Defendant, he literally had no discretion to exercise on whether or not to follow the 1<sup>st</sup> Defendant to the PW2's office or to the Inastrate restaurant, Mokola neither did he have the discretion not to collect the bribe sum of ₦200,000.00 given to him by PW2 at the instruction of the 1<sup>st</sup> Defendant on 27<sup>th</sup> April, 2007.

I equally take into account the long period it had taken the case to reach this stage.

Consequently, on Count 1, the 2<sup>nd</sup> Defendant having been found guilty is hereby sentenced to three years imprisonment in hard labour. On count 2, the 2<sup>nd</sup> Defendant having been found guilty is hereby sentenced to 3 years in hard labour;

On count 3, the 2<sup>nd</sup> Defendant herein having been found guilty is hereby sentenced to 3 years in hard labour and finally on count 4, the 2<sup>nd</sup> Defendant having been found guilty is hereby also sentenced to 3 years imprisonment in hard labour.

All the sentences are to run concurrently.

As for the 1<sup>st</sup> & 3<sup>rd</sup> Defendants, even though this Court has found them both guilty on all the four counts, because of their absence, pursuant to S.352(4) & (5) of the ACJA, their sentencing shall be deferred to such a time in future as it takes the long arms of the law to catch up with them.

This shall be the judgment of the Court.



HON. JUSTICE A.L. AKINTOLA  
JUDGE

13/07/2018.