

IN THE HIGH COURT OF JUSTICE OF SOKOTO STATE
IN THE SOKOTO JUDICIAL DIVISION
HOLDEN AT SOKOTO
ON THE 5TH DAY OF APRIL, 2024
BEFORE HIS LORDSHIP:
HON. JUSTICE MOHAMMED MOHAMMED (JUDGE)

SUIT NO. SS/29^c/2022

BETWEEN:

THE STATE-----COMPLAINANT

AND

EX CPL ALIYU TUKUR-----DEFENDANT

Appearances:

A.A. Illo (Mrs) AG/PT for the state. The defendant is in court and speaks Hausa language.

Court to Registrar: Affirm yourself to interpret from English to Hausa and vice versa.

A.A. Illo (Mrs) AG/PT: The case is for mention and he is before this court for the offence of ***Culpable Homicide punishable with death*** punishable under Section 191 (b) of the Sokoto State Penal Code Law 2019. The matter is for mention but unfortunately defence counsel is not in court today. We therefore apply for an adjournment to enable the defence counsel put his appearance.

Court to Registrar: Ask the defendant whether he has a counsel who will defend him in this case.

Defendant: Yes I have 2 lawyers i.e. A. Shetima Esq. and M.K. Mustapha Esq. but I prefer A. Shetima Esq. to defend me in this case.

A.A. Illo (Mrs) AG/PT: We suggest 7/4/2022 for further mention.

Court: This matter is hereby adjourned to 7/4/2022 for further mention. Hearing notice be issued to A. Shetima Esq. for the defence. Defendant be further remanded.

Signed

**Hon. Justice Mohammed Mohammed
(Judge)
5/4/2023**

Court resumed today 7/4/2022

Appearances:

A.A. Illo Mrs. AG/PT: for the prosecution.

Kasim Ibrahim Esq. for the defendant.

A.A. Illo Mrs. AG/PT: The defendant is in court and speaks Hausa language and the matter was adjourned to today for further mention and is before this court for the offence of ***Culpable Homicide*** punishable under Section 191 (b) of the Sokoto State Penal Code Law 2019.

Court to Registrar: Affirm yourself and interprets from English to Hausa and vice versa and also ask the defendant whether he has gotten his lawyer.

Defendant: Yes I spoke with my lawyer who is M.A. Mustapha Esq. because I have changed my initial decision.

A.A. Illo Mrs. AG/PT: The defendant having chosen a lawyer to defend him, we apply that the plea of the defendant be taken.

Kasim Ibrahim Esq: We are ready.

Court to Registrar: Read and explain the charge to the defendant in Hausa language.

Court to the Defendant: Did you hear the charge that was read over and explained to you in Hausa language?

Defendant: Yes I heard.

Court: Did you understand the particulars of the offence?

Defendant: Yes I understand.

Court: Are you guilty or not guilty?

Defendant: I am not guilty.

A.A. Illo Mrs. AG/PT: In view of the defendant's plea of not guilty, we humbly apply to open our case and we intend to call 7 witnesses, but we humbly now apply for an adjournment to call our witnesses. We have agreed to the 11/5/2022 for hearing.

Court: This matter is hereby adjourned to 11/5/2022 for hearing. Defendant be further remanded.

Signed

**Hon. Justice Mohammed Mohammed
(Judge)**

7/4/2023

Court resumed today 11/5/2022

Appearances:

A.A. Illo AG/PT with A.M. Dingyadi Esq. for the prosecution.

M.A. Mustapha Esq. with Kazeem Ibrahim Esq. for the defendant.

A.A. Illo AG/PT: The defendant is in court and speaks Hausa language.

Court to Registrar: Affirm yourself to interpret the proceedings of this court from English to Hausa language and vice versa.

A.A. Illo AG/PT: The matter is for hearing. The prosecution intends to call 7 witnesses to prove the case against the defendant. We have 1 witness before the court and we are ready to proceed.

M.A. Mustapha Esq: We are also ready.

Court: Proceed.

A.A. Illo Esq: Our PW1 Inspector Ahmad Abubakar. He is a Police Officer and will testify in English language. We apply that the witness be called into the witness box.

Court: Permission to call PW1 into the witness box is hereby granted.

PW1 (after affirmation): My name is Inspector Ahmad Abubakar. I live at No. 18 Kambe Road Sahara Area, Sokoto. I am a Police Officer and a public servant. I work with State CID Sokoto attached to CID as an Exhibit Keeper. I have been working for 9 years as an Exhibit Keeper. Some of my duties are accepting and registering of items in connection with criminal cases, and tendering them before a court of law if the need arise. I am AP/No. 180197. I know the defendant on the 12/3/2021 when I was in the office at the State CID Office Sokoto where Inspector Danjuma Giwa brought to me the defendant along with one (1) AK47 riffle with 18 rounds of live ammunitions and 4 empty shells of AK47 riffle for registration in connection with the case of *Culpable Homicide* against the defendant whose name is **Ex CPL Aliyu Tukur**. I registered the items as follows:-

- (i) AK47 riffle No. 21/A/2024
- (ii) 4 empty shells No. 21/B/2021

The AK47 riffle has an attachment of 18 rounds of live ammunition which were loaded in the magazine. I attached and labeled the exhibits which the label carried the exhibit number, the day I registered the exhibit and the ammunitions

were attached in the magazine, while the other 4 are empty because they have been fired. I kept the exhibits in my official custody until today when I was asked to come and tender them in evidence. The exhibits are here with me.

A.A. Illo AG/PT: The witness having produced the AK47 riffle, with the 18 live ammunitions contained in the magazine attached to the riffle and 4 empty shells of the AK47 riffle which has been in his official custody, we seek to tender same in evidence.

M.A. Mustapha Esq: No objection.

Court: The witness having produced the AK47 riffle with 18 live ammunitions contained in the magazine attached to the riffle and the 4 empty shells of AK47 riffle that has been in his official custody and the prosecution has applied to tender same in evidence which the defence counsel did not object, the same are hereby admitted in evidence and marked as **Exhibits A, B and C** for the AK47 riffle, 18 live ammunitions contained in the magazine and 4 empty shells respectively.

A.A. Illo AG/PT: Apart from the foregoing, what role did you further played?

PW1: That is all.

A.A. Illo AG/PT: That is all for this witness.

Court: Cross Examination

M.A. Mustapha Esq: For how long have you been in the Nigeria Police?

PW1: 19 years and I can say I am an experienced Police Officer. I have attended courses in areas of Exhibit Keeping at Enugu Police Detective College and have been the Exhibit Keeper for about 9 years.

M.A. Mustapha Esq: Does AK47 riffles have numbers?

PW1: Yes while the ammunitions only carry number of miles they can go. The number of the AK47 riffle tendered is 356634 but I don't know the number of miles the 18 live ammunitions can go.

M.A. Mustapha Esq: The defendant is an ex-police officer?

PW1: Yes and he has the right to hold AK47 riffle and equally has the right to use it when the need arises.

M.A. Mustapha Esq: Is it wrong for a Police Officer to defend himself when he is in danger?

PW1: Yes he has the right but when it is proper being done in accordance with the provisions of the Police Act.

M.A. Mustapha Esq: Under the Police Act, when can a police officer properly use a riffle to defend himself?

PW1: When his life is in danger, and there is no any other alternative for him to escape the danger of death, while escaping a criminal believed to have committed a capital offence and tried to escape and while he was dispersing rioters and had prior to the use expressed the words of proclamation to the rioters three (3) times.

M.A. Mustapha Esq: Do you believe that the AK47 riffle tendered belongs to the defendant?

PW1: Yes it is his because he signed it from his office.

M.A. Mustapha Esq: Were you around the defendant's office when he signed the release of the riffle?

PW1: No and I am not part of the investigating team but I am here as Exhibit Keeper and apart from receiving and registering the exhibits, I did not play any other role in this case.

M.A. Mustapha Esq: That is all for this witness.

Court: Re-Examination

A.A. Illo AG/PT: No any re-examination.

Court: The witness is hereby discharged.

A.A. Illo AG/PT: That is all for today and we humbly apply for another date. We also apply that witness summons be issued to all our remaining witnesses. We have agreed to the 23/6/2022 for continuation of hearing.

Court: This matter is hereby adjourned to 23/6/2022 or continuation of hearing. Defendant be further remanded.

Signed

**Hon. Justice Mohammed Mohammed
(Judge)**

11/5/2023

Court resumed today 31/10/2022

Appearances:

A.A. Illo AG/PT MOJ Sokoto with A.C. Dattijo SSC1 for the state.

M.A. Mustapha Esq. for the defendant.

A.A. Illo AG/PT: The defendant is in court and speaks Hausa language.

Court to Registrar: Affirm yourself to interpret the proceedings of this court from English to Hausa and vice versa.

A.A. Illo AG/PT: The case is adjourned to today for continuation of hearing and we have 2 witnesses before the court. We are ready.

M.A. Mustapha Esq: We are ready.

Court: Proceed.

A.A. Illo AG/PT: Our PW2 is one Ibrahim Ibrahim Magaji and will testify in Hausa language.

PW2 (after affirmation): My name is Ibrahim Ibrahim Magaji. I am 30 years old. I live at Nakasari, Gagi Area Sokto. I am a civil servant attached to Security and Civil Defence Corps. I have been working with the organization for about 7 years. Yes I know the defendant. His name is Aliyu. I know him when we were working as a Joint Taskforce between officers of the Civil Defence, Air Force, Police and members of the DSS at Usman Danfodiyo University gate in March 2021. On that day while we were on patrol in the night at about 1-2am and while we were on duty together with the defendant, one Toyota Car was coming towards us, and the defendant stopped the car, and asked the driver to come down and open the boot of the car which the driver did but nothing was seen inside the boot and the defendant asked the driver to go. We then saw a torch light being lightened on our faces and I asked who are these people and at the sometime asked them to stop and thereafter started hearing gun shots and at that time we were all around the area. When I heard the gun shot, I laid down and started crawling until I reach the room of the security gateman of the University gate and hide myself. So when I observed people have started coming out, I also come out from where I was hiding and saw the Toyota driver lying on the ground dead with blood coming out from his head. At that time there was a vehicle from Kwanni Police Station and we were handcuffed myself and the defendant and taken to CID Office where I stayed for 2 days before I was granted

administrative bail. After one week I came back to the CID Office and collected my gun. From that day, I was never invited again until today when I come to this court to testify.

A.A. Illo AG/PT: That is all for this witness.

Court: Cross Examination

M.A. Mustapha Esq: How many of you were in the patrol team?

PW2: We were 6 in the patrol team and on the day of the incident, only 5 of us were at the scene. 2 out of the 5 of ours were in the car and I cannot say if they were sleeping inside the car or not. 1 of us was behind the car. The 3 officers with the police vehicle cannot sight what was going on because it was in the night and it was dark.

M.A. Mustapha Esq: It was only 2 and the defendant that saw what actually happened?

PW2: Yes and also the passengers in the car.

M.A. Mustapha Esq: At the time you saw people approaching you and lighting you with touch light, you did not see the defendant firing any gun shot.

PW2: Yes I did not see the defendant firing any gunshot. I only heard the sound of the gun shot but cannot say the direction from where the gunshot was coming and those who were flashing us with touch lights were not very close to us.

M.A. Mustapha Esq: You make statement at CID?

PW2: Yes and I think I made about 2 or 3 statements and at that time of the investigation of the case, I was also a suspect in the case.

M.A. Mustapha Esq: How many ammunitions did you signed before going to the operation?

PW2: I signed 6 ammunitions, but only 4 are live while the other 2 are bad rounds. When I was taken to CID Office, 6 ammunitions were found in my magazine.

M.A. Mustapha Esq: How many passengers were in that Toyota Car?

PW2: I don't know and I know the defendant did not search the passengers.

M.A. Mustapha Esq: When you heard the sound of the gunshot, you all ran away?

PW2: Yes we all ran away including the defendant.

Court: Re-examination

A.A. Illo AG/PT: None.

Court: The witness is hereby discharged.

A.A. Illo AG/PT: Our PW3 is Inspector Danjuma Giwa and will testify in English language.

PW3 (after affirmation): My name is Inspector Danjuma Giwa. I live at Unguwar Rogo Area, Sokoto. I am a Police Officer attached to CID Office Sokoto as a Police Investigating Officer. I am AP/No. 18770. I have been with CIB for the past 14 years, My duties includes recording statements from suspects, witnesses and complainants. I also perform all the police duties. I know the defendant. He is Aliyu Tukur. On the 9/3/2021, I was on duty at State CID Sokoto on night duty, the defendant was then brought along with one person from Kwanni Police Division in connection with the case of *Culpable Homicide* involving the death of one Mansur Dan

Abbas. I was among the IPOs that were command to investigate the case. The team comprises of SP Musa Ibrahim Kamba, ASP Ahmed Suleman, Insp. Musa Abdullahi Tyson, Sgt. Jamilu Musa and myself. I was assigned to record statement from the defendants. I then invited the defendant to our detective room who at that time was a Police Officer, but now not a Police Officer because he was tried by an orderly room trial and was recommended for dismissal. I wrote the word of caution in Hausa language and informed him the allegation made against him. I then read the words of caution to the defendant in Hausa language and I asked the defendant if he is willing to make a statement, then he should sign the words of caution. The defendant signed the words of caution and I asked him to write his statement, but the defendant authorized me to write for him. The defendant then volunteered his statement in Hausa language and I recorded it in Hausa language. After recording the statement, I read it over to him in Hausa language. He understood and signed and I also signed as the recorder. I translated the statement into English language and put them inside the case file.

A.A. Illo AG/PT: If you see the statement both Hausa and English translated versions, can you identify them?

PW3: Yes I can identify the statement by my handwriting, my signature, date I recorded the statement 9/3/2021 and the name of the defendant and his force number.

A.A. Illo AG/PT: Have a look at these documents and tell the court if it's the statement.

PW3: Yes this is the statement of the defendant I recorded.

A.A. Illo AG/PT: The witness having identified the statement, I seek to tender same in evidence.

M.A. Mustapha Esq: No objection.

Court: The witness having identified the statement he recorded on the authorization of the defendant and the prosecution has applied for same to be admitted in evidence which application has not been objected by the defence counsel, same is hereby admitted in evidence and marked as **Exhibit D and D1** for the Hausa and English translated versions respectively.

A.A. Illo AG/PT: What happened thereafter, did you do anything?

PW3: I was among the officers who visited the scene of crime. We went along with the defendant but we did not recover anything but identified where the incident happened around the Usman Danfodiyo University gate. We also received a medical report from Usman Danfodiyo University Teaching Hospital where the deceased was taken to and if I see the medical report I can identify it by the name of the hospital, name of the deceased, the medical doctor who examined the corpse in person of Dr. Rukayyat.

A.A. Illo AG/PT: Have a look at this medical report and tell the court if it the one.

PW3: Yes this is the medical report.

A.A. Illo AG/PT: We see to tender it in evidence.

M.A. Mustapha Esq: No objection.

Court: The witness having identified the medical report in respect of one Mansur Dan Abbas issued by Usman Danfodiyo

University Teaching Hospital Sokoto dated 17/2/2022, and the prosecuting counsel has applied for same to be admitted in evidence which application has not been objected to by the defence counsel, same is hereby admitted in evidence and marked as **Exhibit E**.

A.A. Illo AG/PT: What did you do thereafter?

PW3: The case diary was sent to Ministry of Justice, Sokoto.

A.A. Illo AG/PT: That is all for this witness.

Court: Cross-Examination

M.A. Mustapha Esq: You are a well experienced detective?

PW3: I do my work to the best of my knowledge. There were 2 suspects brought to CID Office in respect of this case and they were brought with their service rifle. I cannot remember how many rounds lives of ammunitions that were brought along with their rifles. I visited Unguwar Rogo Police Station where the defendant is attacked. We met the armourer who showed us the records of the ammunitions given to the defendant and we filed our finding, but I cannot remember the member of the ammunitions the defendant signed and collected.

M.A. Mustapha Esq: You did not discover anything in your investigation that shows it was the defendant who made the gunshots?

PW3: In the course of our investigation we discovered the defendant fired a gunshot and from our findings, it was the gunshot of the defendant that killed the deceased. Inspector Musa Abdullahi Tyson was the one who recorded the statement of the 2nd suspect in my presence.

M.A. Mustapha Esq: Which day was the statement of the 2nd suspect made?

PW3: I can't remember.

M.A. Mustapha Esq: Have a look at this document and tell the court if it is the statement of the 2nd suspect.

PW3: The document shown to me is the statement of Ibrahim Ibrahim Magaji the 2nd suspect.

M.A. Mustapha Esq: We seek to tender the statement in evidence.

A.A. Illo AG/PT: We object to the admissibility of the statement because no proper foundation has been laid and urge the court to reject same.

M.A. Mustapha Esq: We have laid the proper foundation because the witness informed the court who recorded the statement of the 2nd suspect. We urge the court to admit it.

Ruling

Court: Admissibility though has always been a question of relevancy, not all relevant evidence is admissible if the admissibility of the evidence sought to be tendered is contrary to law. It follows therefore that if a piece of evidence is not a legally admissible evidence, such evidence will not be admitted even if it is relevant because relevancy is not the only yardstick of admissibility. PW2 who made the statement sought to be tendered, testified before this court and was asked questions about the statement sought to be tender, yet the defence counsel decided not to tender the statement through the maker. Any document sought to be tendered in evidence must be tendered through its maker or a person who

has personal knowledge. The defence counsel has not shown reason why the statement could not be tendered through the maker. The witness through whom it is say he to be tendered, did not reveal the features by which the statement can be identified by him before same was say it to be tendered through him. In considerate of the foregoing it is the humble view of his court that since the statement is not legally admissible evidence, she is hereby rejected and shell be so marked.

M.A. Mustapha: The 2nd suspect signed 6 administrative?

PW3: I cannot remember and have not received any report from his place of primary assignment. I cannot also remember the number of the passengers in the car. I cannot also remember of any of the passenger was invited at all.

M.A. Mustapha Esq: Het is all for the witness.

Court: Re-examination.

A.A. Illo AG/PT: No any re-examination.

Court: The witness is hereby discharged.

A.A. Illo AG/PT: That is all for today and we have agreed to 5/12/2022

Court: This matter is hereby adjourned to 5/12/2022 for continuation of hearing. Defendant be further remanded.

Signed
Hon. Justice Mohammed
Mohammed
(Judge)
5/12/2022

Court resumed today 5/12/2022

Appearances:

A.A. Illo AG/PT MOJ Sokoto for the prosecution.

M.A. Mustapha Esq. for the defendant.

A.A. Illo AG/PT: The defendant is in court and speaks Hausa language.

The case has been adjourned to today for continuation of hearing. We are ready.

Court to Registrar: Affirm yourself to interpret the proceedings of this court from English to Hausa and vice versa.

M.A. Mustapha Esq: We are ready.

Court: Proceed.

A.A. Illo AG/PT: Our PW4 is CPL Ibrahim Sufiyanu and will testify Hausa language.

PW4 (after affirmation): My name is CPL Ibrahim Sufiyanu. I am 26 years old. I live at Sokoto Cinema Area. I am a civil servant with Nigeria Police Force. I am a corporal and my force No. is 515641. I am attached to Dadin Kowa Police Divisional Headquarters. I knew the defendant. He is ex CPL Aliyu Tukur.

On 9/3/2021 at about 1300hrs in the night, we were on duty at Runjin Sambo junction before ready the university gate we were 6 and includes ASP Zakariya, Army Corporal Joseph, Insp. Liman, Civil Defence Ibrahim Ibrahim, the defendant and my humble self, 3 of us, myself Joseph and Zakariya were positioned where we were standing while the defendant and the Civil Defence Officer were in the road but at that time inspector Liman who was the driver was not at the

scene. At that time, we sighted the defendant and the civil defence officer stopping a car but we were not hearing what they were saying. We then heard the gun shots, and as such we all lied down and we saw the defendant and the civil defence officer run into the University gate. After we woke up from where we were lying down, we heard passengers saying “they killed him and we met the victim down lying. Then our O/C ASP Zakariya investigated the number of our bullets and found them complete except that of the defendant who was arrested by the vigilante and said he was the one who fired shot. After the DPO of Kwanni Division arrived, the defendant was taken to CID Sokoto and we were instructed to take the corpse to UDUTH. Whether took him to UDUTH where the doctors confirmed his death. We were then asked to convey the corpse to Mortuary. We then proceeded to CID Sokoto where the case is being investigated and it was confirmed nobody used his gun except the defendant. It was confirmed by surely the rifle of the defendant and the incomplete number of his live ammunitions. We made statements at Kwanni Division. After that day, I was at the CID to give evidence during his trial asked today.

A.A. Illo AG/PT: That is all for this witness.

Court: Cross examination.

M.A. Mustapha Esq: You are 6 in number at that time?

PW4: Yes and 3 of us were at the patrol van but at that time there was no light and it was in the right.

M.A. Mustapha Esq: You have heard several gun shots coming from different directions?

PW4: No we only heard a gunshot but I did not see the defendant shooting anybody, but I saw him and the Civil defence officer running. But I cannot say they were run because they were attacked.

M.A. Mustapha Esq: Were the Vigilante group present at the scene?

PW4: No and it was not the vigilante persons that informed us that it was the defendant who fired the gunshot, but it was the vigilante group who called the Area Commander and informed him that they have arrested the person who fired the gunshot.

M.A. Mustapha Esq: It was the vigilante members that informed you that it was the defendant who fired the gunshot?

PW4: The vigilante member only informed the area commander that they arrested has officer who they sighted running.

M.A. Mustapha Esq: How many passengers were in the court that was slapped?

PW4: I don't know.

M.A. Mustapha Esq: It is right for a police officer to defend himself?

PW4: Yes and he can also fired a shot in order to defend himself. The defendant as a police officer also has that right.

M.A. Mustapha Esq: That is all for this witness

Court: Re-examination

A.A. Illo AG/PT: No any re-examination adjourned us apply that the witness be discharged.

Court: The witness is hereby discharged.

A.A. Illo AG/PT: We have agreed to the 17/2/2023 for continuation of hearing.

Court: This matter is hereby adjourned to 17/2/2023 for continuation of hearing. Defendant is further remanded.

Signed

**Hon. Justice Mohammed Mohammed
(Judge)**

5/12/2022

Court resumed today 17/11/2023

Appearance:

A.A. Illo AG/PT MOJ Sokoto with A.C Dattijo SSC for the prosecution.

M.A. Mustapha Esq. for the defendant.

A.A. Illo AG/PT: The case is for continuation of hearing. The defendant is on court. Unfortunately a supposed PW5 who supposed to be in court today, called me and informed me that he has been be rejecting and has travelled to Kogi State and said he will be back on the 27/1/2023. In the circumstances, we apply for an adjourned it and we have agreed to the 3/2/2023 subject to the convenience of this court.

Court: This matter is hereby adjourned to 3/2/2023 for continuation of hearing. Defendant be further remanded.

Signed

**Hon. Justice Mohammed Mohammed
(Judge)**

17/1/2023

Court resumed today 3/2/2023

Appearance:

A.A. Illo AG/PT MOJ Sokoto A.C. Dattijo SSC for the state.

M.A. Mustapha Esq. for the defendant.

A.A. Illo AG/PT: The defendant is in court and speaks Hausa language.

Court to Registrar: Affirm yourself to interpreter the proceedings of this court from sighted to Hausa and vice versa.

A.A. Illo AG/PT: The matter has been adjourned to today for continuation and we are ready as we have is witness in court.

M.A. Mustapha Esq: We are ready.

Court: Proceed.

A.A. Illo AG/PT: Our PW5 ASP Zakariya Sani he is a police officer and will testify in English language.

PW5 (after affirmation): My name is Zakariya Sani. I live at Shagari town. I am now 29 years in service. I know the defendant and his name is Aliyu Tukur. I came to know him when we were in a joint patrol team and I was their team leader at University gate here in Sokoto and that was on the 9/3/2021 and we were 6 in number and out of the 6 one of us left to go and buy food. I can remember Aliyu Tukur was one of the team members; there was also one Magaji, Joseph who is an force officer and our driver. We are a combination of officers from Airforce, civil defence and police organization. On that 9/3/2021 at about 1:30am and I deployed them according to police work the defendant was the 1st person in front at the place and the Civil Defence Officer was at the back of the road while the Airforce was on the right side while I am in

the middle watching them. The distance is not far away and I can sight anything that is happening. We were giving the authority to check any vehicle that is either coming into Sokoto or going out of Sokoto. On that day there was a vehicle going out of Sokoto town, then the defendant stopped the vehicle and asked the driver to come out, and when the driver came out of the vehicle, the defendant followed him to the boot of the vehicle and they later came back to the door of the vehicle where the driver came out for a short while after not more than one second I heard a gunshot 4 times. I then shouted and asked who fired a gun shot like this? They said they don't know but at that time the defendant was not at the scene. I then asked all of them to hand over their guns to me and they did except the defendant who was not at the scene and I then counted their ammunitions and found all their ammunitions were complete because each one of them was given 30 live ammunitions and they are all complete. I then touched my torch light on the ground and saw a person lying on the ground about to die and he is one of the passengers of the vehicle. I also saw 4 empty shells of live ammunitions and I picked them and then called my DPO and informed him about what happened. Before the DPO arrived, one of the passengers and who happened to be a brother to the victim informed me that it was the defendant who was in front that killed their brother. The DPO arrived and asked about our number and I said we were 6 and when the DPO said all of us should come forward to where he was standing, the defendant was again nowhere to be found. I was then asked by the DPO to take the injured person to Usman Danfodiyo University Teaching Hospital. While I was in the hospital,

the DPO called me and informed me that the defendant was seen in a nearby village and arrested by the villagers. Before I left the hospital, the doctor confirmed to us that the victim was dead. The Area Commander went to the village and got the defendant arrested and brought to Police Headquarters and we were then asked to remove our magazines one by one and when they counted our ammunitions, they found an ammunitions were complete except that of the defendant. Later there was police orderly room hid against the defendant where I gave evidence against the defendant and during that time, the defendant confessed to be the one who killed the deceased. That is all I know. I also made a statement in respect of this case on the 9/3/2021.

A.A. Illo AG/PT: That is all for this witness.

Court: Cross-Examination

M.A. Mustapha Esq: You have been in the police service for almost 29 years?

PW5: Yes and we were on the patrol team at that University gate for almost one month and I was never attacked by anybody and none of our team members was ever attacked. On the date of the incident i.e. 9/3/2021, I was there standing watching what they are doing.

M.A. Mustapha Esq: Do you know one Ibrahim Magaji a Civil Defence Officer?

PW5: I know him and he was part of the team and was in our back and was aware of what happened because he was together with the defendant. At the Police Headquarters it was the

Area Commander who counted the ammunitions of all the patrol team members and when he counted, the ammunitions were 30 in number but I can't remember that of Ibrahim Magaji.

M.A. Mustapha Esq: At the scene how many live ammunitions did you counted in respect of Ibrahim Magaji?

PW5: I can't remember but I also don't know whether he used some of his ammunition.

M.A. Mustapha Esq: You as a person did not witness the defendant firing a gun shot?

PW5: Yes I did not but I was later told by one of the occupants of the vehicle that it was the defendant who shot the victim.

M.A. Mustapha Esq: Between you and the Civil Defence Officer, who was closer to the defendant on the date of the incident?

PW5: The Civil Defence Officer was closer.

M.A. Mustapha Esq: That is all for this witness.

Court: Re-Examination

A.A. Illo AG/PT: No any re-examination.

Court: The witness is hereby discharged.

A.A. Illo AG/PT: That is all for today and we apply for another date as we intend to call another witness. We have agreed to the 21/2/2023.

Court: This matter is hereby adjourned to 21/2/2023 for continuation of hearing. Defendant be further remanded.

Signed
Hon. Justice Mohammed Mohammed
(Judge)
3/2/2023

Court resumed today 14/3/2023

Appearance:

A.A. Illo AG/PT MOJ Sokoto State with A.C. Dattijo SSC for the state.

M.A. Mustapha Esq. for the defendant.

A.A. Illo AG/PT: The defendant is before the court and speaks Hausa language.

Court to Registrar: Affirm yourself to interpreter the proceedings of this court from sighted to Hausa and vice versa.

A.A. Illo AG/PT: The case is adjourned to today for continuation of hearing. We have called 5 witnesses so far and owing to the order of this court Motion No. SS/M.72/2023, we apply to call Usman Zubairu into the witness box as our PW6.

Court: Application granted.

PW6 (after affirmation: My name is Inspector Usman Zubairu. I live at Unguwar Rogo Police Barrack and attached to Unguwar Rogo Police Station as an Armourer. I am Ap/No. 240607. I have been an armourer for about 7 years and some of my duties is to issue arms and ammunitions to our officers who are going on a duty. I know the defendant and his name is Ex-Officer Aliyu Tukur. I was serving with him in the same division and I can remember that on 7/3/2021 the defendant was assigned to join a patrol at the headquarters. He came to my office and signed for arms and he was given the arms which consist of AK 97 riffle with 25 rounds of live ammunitions 7.62mm.

A.A. Illo AG/PT: IF you see the AK47 you released to the defendant, can you identify it?

PW6: Yes by the number, 356634.

A.A. Illo AG/PT: Have a look at **Exhibit A** and tell this court if it is the AK47 you have released to the defendant?

PW6: Yes this is the AK47 released to the defendant.

A.A. Illo AG/PT: The witness has identified **Exhibit A** as the AK47 rifle he had released to the defendant.

PW6: After I released the arms and ammunitions, the defendant left to the Force Headquarters from where he was posted to the Usman Danfodiyo University gate for checking. That is only role I played.

A.A. Illo AG/PT: That is all for this witness.

Court: Cross-Examination.

M.A. Mustapha Esq: Tell this court the number of ammunitions the magazine of AK47 usually carries?

PW6: The magazine of AK47 uses to carry 30 rounds of live ammunitions. I was not however invited at the State CID in respect of this case.

M.A. Mustapha Esq: Apart from giving the defendant the AK47 and the ammunitions, you know nothing about this case?

PW6: Yes and I don't know the number of live ammunitions that remain in the magazine of the AK47 released to the defendant.

Court: Re-examination

A.A. Illo AG/PT: No.

Court: The witness is hereby discharged.

A.A. Illo AG/PT: That is the case of the prosecution and we apply to close our case.

M.A. Mustapha Esq: We have agreed to the 5/4/2023.

Court: This matter is hereby adjourned to 5/4/2023 for defence. Defendant be further remanded.

Signed

**Hon. Justice Mohammed Mohammed
(Judge)
14/3/2023**

Court resumed today 4/12/2023

Appearance:

A.A. Illo AG/PT MOJ Sokoto for the state.

M.A. Mustapha Esq. for the defendant.

A.A. Illo AG/PT: The defendant is in court and speaks Hausa language.

Court to Registrar: Affirm yourself to interpreter the proceedings of this court from sighted to Hausa and vice versa.

A.A. Illo AG/PT MOJ Sokoto: The case is for defence, but considering the ruling just delivered in respect of Motion No. SS/M.139/2023 in which the earlier charge was amended, to take a fresh plea of the defendant.

Court to Registrar: Read and explain the amended charge to the hearing of the defendant for the purpose of taking his fresh plea.

Court to Defendant: Di you hear the amended charge that was read over and explained to you in Hausa language?

Defendant: Yes I heard.

Court: Did you understand the particulars of the charge?

Defendant: Yes I understand.

Court: Are you guilty or not guilty?

Defendant: I am not guilty.

A.A. Illo AG/PT MOJ Sokoto: The matter is for defence and we are ready.

M.A. Mustapha Esq: We are also ready for the defence. We intend to call 2 witnesses and one is in court the defendant himself.

DW1 (after affirmation): My name is Aliyu Tukur. I am an Ex-Police Officer. Presently I live at Correctional Centre, Sokoto. I know why I am here. On 9/3/2021 I was called by Commissioner of Sokoto State to join a joint patrol team comprising of members of the DSS, Civil Defence, Airforce and the Police and we were assigned to search all incoming and out coming cars at the first gate of Usman Danfodiyo University. We then went to where we were assigned to conduct the search at about 1:30am myself and one Ibrahim a Civil Defence Officer, while my O/C and one Soldier were inside the patrol vehicle while the driver of patrol vehicle went to buy tea. At that time one car came and we stopped the car and we asked the driver where was he going? He brought money and wanted to give us but we said we are not collecting money. We then asked him to come out and open the book of his car for us to see and when he opened, we did not see anything inside. We then asked him to enter his car and go. Then Ibrahim Civil Defence Officer saw some people running towards us and he drew my attention to it and at that

time the other member of our team were inside the patrol team vehicle sleeping except me and Ibrahim. At that time we heard a gunshot and we started running. Because it was a midnight we started searching for where we can hide ourselves. Because it was in the night, I fired a gun shot in the air to scare culprit and with a view to protect ourselves. That is all.

M.A. Mustapha Esq: That is all for this witness.

Court: Cross-Examination.

A.A. Illo AG/PT: You said you were on a joint patrol on the 9/3/2022?

DW1: Yes and we were about 6 of us including members of the Police, DSS, Civil Defence and Airforce and we were all assigned to conduct stop and search at the first gate of Usman Danfodiyo University, but O/C Patrol, the officer of Airforce, a Corporal from the Police, were stopping at that time. The distance between where we were conducting the stop and search and where our patrol vehicle is positioned is not far from us as we can see it and if we shouted for help, those officers can hear us if they were not asleep. I was trained on how to use a riffle. When a gun is fired, some people can hear it even while asleep, while other may not hear it. Before we went out for the patrol, I signed the release of riffle. I signed for AK47 but I cannot remember the number of live ammunitions I have collected. I made only one (1) gunshot during the incident. I can also remember I made a statement at CID Office Sokoto and if I see the statement I can identify it by my signature. **Exhibit D** shown to me is my statement. I was a Police Officer and I have

undergone police orderly room trial but I don't know the verdict of the orderly room trial.

A.A. Illo AG/PT: That is all for this witness.

Court: Re-Examination

M.A. Mustapha Esq: No any re-examination.

Court: The witness is discharged.

M.A. Mustapha Esq: That is all for today and we humbly apply for another date and we have agreed to 22/12/2023.

Court: This matter is hereby adjourned to 22/12/2023 for continuation of defence. Defendant be further remanded.

Signed

Hon. Justice Mohammed Mohammed

(Judge)

4/12/2023

Court resumed today 12/2/2024

Appearance:

A.A. Illo AG/PT MOJ Sokoto for the prosecution.

M.A. Mustapha Esq. for the defendant.

A.A. Illo AG/PT: The defendant is in court and speaks Hausa language.

Court to Registrar: Affirm yourself to interpreter the proceedings of this court from sighted to Hausa and vice versa.

A.A. Illo AG/PT: The matter is for continuation of defence and we are ready.

M.A. Mustapha Esq: Our DW2 is in court. He is Ibrahim Magaji.

DW2 (after affirmation): My name is Ibrahim Ibrahim Magaji. I am a Civil Defence Officer attached to Sokoto Command. I live at

Nakasari, Sokoto. I am 31 years old. On 9/3/2022 there was a joint patrol team comprising of Police, Airforce, Civil and DSS was constituted and was made because there was insecurity at Runjin Sambo Area, University gate, and we were posted to the University gate as our duty post. While on patrol at our stop and search post including the defendant. When one car approached us, we stopped it and then the defendant went to search the car to know where he was coming from and where he is going. When the driver attempted to give the defendant money, the defendant said no and that if he is not carrying anything criminal, we will allow him to go. The defendant then asked the driver to come and open his booth. And the driver came down and opened the booth and after they finished searching, then we allowed the driver to go. After the driver has gone we saw some people with torch lights approaching us, we then asked the people who are there?" We started hearing gun shots as a result I fell on the ground and started crawling to a nearby ditch and took cover with the defendant. After some few minutes we came out from where we hide and I then saw that the driver was shot. That is all.

M.A. Mustapha Esq: That is all.

Court: Cross-Examination

A.A. Illo AG/PT: You said you were on joint patrol?

DW2: Yes and at that, the driver took permission to buy tea while the army officer and the 2 police officer were in the car. The distance of the patrol van and where we are standing is a close range, but not very close, but those inside the car may not be able to see because they were resting at that time and it

was in the night. Those people approaching us sounds aggressive and flashing their touch lights. I have been with Civil Defence for about 9 years and have been hearing gun shots and is scaring and those inside the vehicle heard the gunshot. At the time I was taking cover, I don't know where the defendant was. I did not fired any gunshot. When everything subsided, I was the first to be arrested and the defendant was arrested by vigilante. I signed for riffle G3 riffle and 7 ammunitions and were all found intact. The defendant has AK47 riffle, but I don't know that of the defendant. The team leader initially accused me.

A.A. Illo AG/PT: That is all for this witness.

Court: Re-Examination.

M.A. Mustapha Esq: No any re-examination and that is the defence of the defendant.

Court: The witness is discharged and the case is adjourned to 18/3/2024 for adoption of written address. Defendant be further remanded.

Signed

**Hon. Justice Mohammed Mohammed
(Judge)
12/2/2024**

Court resumed today 18/3/2024

Appearance:

A.A. Illo Mrs. AG/PT MOJ Sokoto for the prosecution.

M.A. Mustapha Esq. for the defendant.

A.A. Illo Mrs. AG/PT: The matter is for adoption of written address and we are ready.

M.A. Mustapha Esq: Our final written address was filed 20/2/2024. We adopt the said written address as our final legal argument in this case and urge this court to discharge and acquit the defendant.

A.A. Illo Mrs. AG/PT: The prosecution's final written address was filed 15/3/2024. We adopt same as well as the legal argument canvassed therein and urge the court to convict the defendant as charged.

Court: This matter is hereby adjourned for judgment. Fresh hearing notice will be sent to both counsel immediately the judgment is ready. Defendant be further remanded.

SIGNED

**HON. JUSTICE MOHAMMED MOHAMMED
(JUDGE)
18/3/2024**