

IN THE HIGH COURT OF JUSTICE OF SOKOTO STATE
IN THE SOKOTO JUDICIAL DIVISION
HOLDEN AT SOKOTO
ON THE 11TH DAY OF MARCH, 2021
BEFORE HIS LORDSHIP:

HON. JUSTICE MOHAMMED MOHAMMED (JUDGE)

SUIT NO: SS/32^C/2021

BETWEEN:

THE STATE-----COMPLAINANT

AND

BILAL IBRAHIM----- DEFENDANT

Appearances:-

V.E. Ikwuta Esq. appearing for the defendant holding the brief of Soibi
Ovia Esq. Defendant and prosecuting counsel absent.

Court to Registrar: Any correspondence.

Registrar: There is no any correspondence from the Ministry of
Justice, although they were served on 8/3/2021. As
to the defendant, we sent production warrant to the
officer in charge of Nigerian Correction Service
Custodial Center Sokoto, but they confirmed to us
that the defendant is not in their custody. We intend
to contact the officer in charge of the remand home
whether the defendant is in their custody.

V.E. Ikwuta Esq: In view of what the registrar said, we apply for
another date for further mention. We suggest
23/3/2021 subject to the court's convenience.

Court: This matter is hereby adjourned to 23/3/2021 for further mention. Fresh hearing notice be issued to the prosecuting counsel.

Signed

Hon. Justice Mohammed Mohammed
(Judge)
11/3/2021

Court resumed today 23/3/2021

Appearances:

V.E. Ikwuta Esq. for the defendant holding the brief of Soibi Ovia Esq.
The matter is for further mention. The defendant is in court and speaks Hausa language, prosecuting Counsel absent.

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

V. E. Ikwuta Esq: In the circumstances, we apply for another date and we suggest 1/4/2021 for further mention.

Court: This matter is hereby adjourned to the 1/4/2021 for further mention. The defendant be further remanded at the Remand Home Sokoto. Fresh hearing notice be issued to the Honourable Attorney General of Sokoto State.

Signed

Hon. Justice Mohammed Mohammed
(Judge)
23/3/2021

Court resumed today 1/4/2021

Appearances:

H.S. Buhari Esq. for prosecution.

V. E. Ikwuta Esq. for the defendant holding the brief of Soibi Ovia Esq.

H.S. Buhari Esq: The defendant is in court and speaks Hausa Language.

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

H.S. Buhari Esq: The defendant is arraigned for the offence of ***Culpable Homicide not punishable with death*** contrary to Section 192 (2) of the Penal Code Law of Sokoto State 2019. The case is for further mention. The plea of the defendant has not been taken. We apply that the plea of the defendant be taken.

V. E. Ikwuta Esq: We are ready.

Court to Registrar: Read and explain the charge to the defendant.

Court: Did you hear the charge that was read and explained to you?

Defendant: Yes I understand.

Court: Are you guilty or not guilty?

Defendant: I am not guilty.

H.S. Buhari Esq: The defendant having pleaded not guilty to the charge, we apply for another date to call our witness to prove the charge against the defendant. We have agreed to the 22/4/2021 for hearing. We apply that

1st – 3rd witnesses as appeared on the list of witnesses be served with witness summons against the next adjourned date.

V. E. Ikwuta Esq: That is the position.

Court: This matter is hereby adjourned to 22/4/2021 for hearing. 1st – 3rd witnesses as appeared on the list of witnesses attached to the charged, be served with witness summons to attend the sitting of this court on the next adjourned date. Defendant be further remanded.

Signed

Hon. Justice Mohammed Mohammed

(Judge)

1/4/2021

Court resumed today 8/7/2021

Appearances:

H.S. Buhari Esq. for the prosecution.

S. Ovia Esq. with I. Osekwe Esq. for the defendant.

H.S. Buhari Esq: The defendant is in court and speaks Hausa language.

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

H.S. Buhari Esq: The case is for hearing and we are ready.

S. Ovia Esq: We are ready.

Court: Proceed.

H.S. Buhari Esq: Our PW1 is a male, Muslim and will testify in Hausa language. His name is Usman Mustapha. We apply that the witness be called into the witness box.

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

PW1 (After affirmation): My name is Usman Mustapha. I live at Garge Area, Sokoto. I am a trader. I know the defendant. On 31/3/2020 while I was coming back from where I was doing my trader at about 10:20pm, I met one Ahmed a son to my relation and who is now dead. I met him lying down in pull of his blood and at that time there was nobody around him, and I asked him “who did this to you?” “and the boy said it was Bilal” and who happens to be the defendant. I then called my brother and informed him. Then my brother Falalu came and we took Ahmad to Marina Police Station. The Police gave us 2 Police Officers and we jointly took Ahmad to Specialist Hospital, Sokoto. The Specialist Doctor rejected him and so we proceeded to UDUTH Sokoto. He was admitted at **UDUTH** and we were asked to conduct some tests. At the hospital we are 4 namely Jafar, Yusuf, Falalu and myself. Ahmad repeated his words by saying it was Bilal who inflicted the injuries on his body.

On 1/4/2020 we went for scanning on the 2/4/2020, Ahmad died. After the confirmation of his death, his

corpse was released to us for burial. He was later buried. That is all.

H.S. Buhari Esq: That is all for the witness.

Court: CROSS EXAMINATION

S. Ovia Esq: Your evidence is that you met the deceased alone?

PW1: Yes and our house is situate at Garge Area, Sokoto.

S. Ovia Esq: On 2/4/2020, did you make a statement to the Police in respect of this case?

PW1: I did not make statement to the Police.

S. Ovia Esq: Did you make any statement to the police in respect of this case?

PW1: Yes.

S. Ovia Esq: If the statement is shown to you, will you be able to recognize it?

PW1: Yes.

S. Ovia Esq: Did you make the statement in Hausa or in English?

PW1: I made the statement in Hausa but he recorded it in English.

S. Ovia Esq: Who recorded it in English?

PW1: Is a police officer.

S. Ovia Esq: How can you recognize it?

PW1: If it is read over to my hearing.

S. Ovia Esq: Did you sign the statement.

PW1: Yes.

S. Ovia Esq: We apply for the English version of the witness statement.

Court: Application granted.

S. Ovia Esq: Look at this document and tell the court if it is your statement?

PW1: Yes this is my signature and what you read out from it, was the statement I made.

S. Ovia Esq: The witness having identified the statement he made on the 2/4/2020, we humbly apply to tender same in evidence.

H.S. Buhari Esq: No objection.

Court: The statement of the witness made on 2/4/2020 sought to be tendered in evidence by the defence after the witness has identified his signature on the statement and the contents and which has not being objected to by the prosecution is hereby admitted in evidence and marked as **Exhibit 'A'**.

S. Ovia Esq: Can you tell us where your house is?

PW1: Our house is situated at a place where cows are kept immediately after Kwanberu junction.

S. Ovia Esq: This incident happened in the night when it was very dark?

PW1: Yes and it was very, very dark.

S. Ovis Esq: That is all for the witness.

Court: Re – Examination

H.S. Buhari Esq: Nil and we apply that the witness be discharged.

Court: The witness is discharged.

H.S. Buhari Esq: That is all for today and we have agreed to the 4/8/2021 for continuation of hearing.

S. Ovia Esq: That is the position.

Court: This matter is hereby adjourned to the 4/8/2021 for continuation of hearing. Witness summons be issued to the prosecution witnesses. Defendant be further remanded.

Signed

Hon. Justice Mohammed Mohammed

(Judge)

8/7/2021

Court resumed today 23/9/2021

Appearances:

H.S. Buhari Esq. for the prosecution.

S. Ovia Esq. with I. Osekwe Esq. for the defendant.

H.S. Buhari Esq: The defendant is before the court and speaks Hausa language.

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

H.S. Buhari Esq: The case has been adjourned to today for continuation of hearing. We have unfortunately have to inform this court that our witnesses are not before

the court because they could not be served due to some problems.

S. Ovia Esq: I have the privilege of knowing the predicament of the prosecution.

H.S. Buhari Esq: Because she is coming from Lagos, we have agreed to the 9/11/2021 for continuation of hearing. We intend to call all our witnesses on that day.

S. Ovia Esq: That is the position.

Court: This case is hereby adjourned to 9/11/2021 for continuation of hearing. Witness summons be issued to the witnesses No. 2 and 4 as appeared on the list of witnesses.

H.S. Buhari Esq: My Lord one of the witnesses has just annexed and we intend to take him.

S. Ovia Esq: No objection we are also ready.

Court: Proceed.

H.S. Buhari Esq: Our PW2 is a male, Muslim and will testify in Hausa language. We apply for the witness to be moved in the witness box.

Court: Call PW2 in to the witness box and affirm him.

PW2 (After affirmation): My name is Jafar Almustapha. I live at Garge Area, Sokoto. I am a businessman. I know the defendant and his name is Bilal. On 31/3/2020 I was sitting in my shop and called my junior brother Ahmad. Ahmad was the deceased. I asked Ahmad to

bring food to me at my shop. After he brought the food, he told me that he wanted to go to kwanberu to collect a message and I said is OK. After he left, I heard him shouting before he reached the place calling my name “Jafar, Jafar come”. I then rushed to where he was and found him in pool of blood and I asked him “who did this to you? And he said it was Bilal and other 3 person”. Thereafter Ahmad’s uncle arrived in person of Usman Mustapha (PW1) and asked what is happening. After I told him what happened, he asked me to call Ahmad’s parents. Then called them and when they came we took him to specialist hospital, Sokoto. Then they refer us to Usman Danfodiyo University Teaching Hospital, Sokoto. He was admitted and we were there up to 2/4/2020 when Ahmad died.

H.S. Buhari Esq: That is all for the witness.

Court: CROSS EXAMINATION

S. Ovia Esq: You said you are a businessman, where is your shop located?

PW2: Yes and my shop is located at Garge area, Sokoto and the place where I met Ahmad is not far away from my shop.

S. Ovia Esq: What time did you hear the deceases screamed?

PW2: It was around 11pm in the night and it was very dark. When I arrived at the scene there was no body. It was only the deceased lying on the floor.

S. Ovia Esq: It was your testimony that the deceased informed you that the defendant and 3 other persons were responsible for what happened to him?

PW2: Yes and I don't know the names of the 3 other people and the deceased did not tell me their names.

S. Ovia Esq: You said PW2 met you at the scene of the incident?

PW2: Yes he met me there and it was only 3 of us that were at the scene at that time. Myself, Usman and Usman were the only persons at the scene.

S. Ovia Esq: Where did you met the deceased?

PW2: In front of my shop before he reached the junction but I did not met the defendant at the place.

S. Ovia Esq: That is all for the witness

Court: Re – Examination.

H.S. Buhari Esq: No any re-examination and we apply for the witness to be discharged.

Court: The witness is hereby discharged.

H.S. Buhari Esq: That is all we have for today. We apply that witness summon be issued to Insp. Danjuma Giwa who is No. 3 on the list of witnesses. We have agreed to the 9/11/2021 for continuation of hearing.

S. Ovia Esq: That is the position.

Court: The matter is hereby adjourned to 9/11/2021 for continuation of hearing. Witness summons be issued to Insp. Danjuma Giwa who is No. 3 on the list of witnesses. Defendant be further remanded.

Signed

Hon. Justice Mohammed Mohammed
(Judge)
23/9/2021

Court resumed today 9/11/2021

Appearances:

H.S. Buhari Esq. for prosecution.

S. Ovia Esq. with I. Osakwe Esq. for the defendant.

H.S. Buhari Esq: The defendant is before the court and speaks Hausa language. The case has been adjourned to today for continuation of hearing. Our supposed PW3 in person of Inspector Danjuma Giwa is sick. In the circumstances, we humbly apply for an adjournment to enable us put our house in order.

S. Ovia Esq: We were approached by the prosecuting counsel and informed us about the illness of the prosecution witness and so we are not opposing the application for adjournment. However, at the last adjourned date, we were hopeful that the prosecution will close their case today and that we open our defence today. We therefore applied for a witness summons to be issued on the defence witnesses as the defence intends to call

2 witnesses, and the witnesses have been summoned and are now before the court.

But in the circumstances as the prosecution has not closed its case, we will be constraint to concede to the adjournment requested and we have agreed to the 8/12/2021 subject to convenience of this court.

Court: This matter is hereby adjourned to the 8/12/2021 for continuation of hearing. Defendant be further remanded.

Signed

Hon. Justice Mohammed Mohammed
(Judge)
9/11/2021

Court resumed today 8/12/2021

Appearances:

H.S. Buhari Esq. for prosecution.

V.E. Ekwuta Esq. holding the brief of S. Ovia Esq. for the defendant.

H.S. Buhari Esq: The defendant is before the court and speaks Hausa language. The case has been adjourned to today for continuation of hearing. So far 2 witnesses had testified but we cannot go on because we exchanged text messages with S. Ovia Esq. the substantive counsel for the defendant that she is indisposed as she is out of jurisdiction. She however said she will send V.E. Ikwuta to take a date for her and we have agreed to the 18/1/2022 for continuation of hearing subject to the convenience of court.

V.E. Ikwuta Esq: That is the true position of things.

Court: This matter is hereby adjourned to 18/1/2022 for continuation of hearing. Defendant be further remanded.

Signed

Hon. Justice Mohammed Mohammed
(Judge)
8/12/2021

Court resumed today 18/1/2022

Appearances:

H.S. Buhari Esq. for the prosecution. The defendant is in the court and speaks Hausa language. Defence counsel absent. The case is for continuation of hearing. In the absence of the defence counsel, we are constraint to proceed. We have agreed to the 8/2/2022 for continuation of hearing.

Court: This matter is hereby adjourned to the 8/2/2022 for continuation of hearing. Defendant be further remanded.

Signed

Hon. Justice Mohammed Mohammed
(Judge)
18/1/2022

Court resumed today 9/2/2022

Appearances:

H.S. Buhari Esq. for the state.

S. Ovia Esq. with I. Osakwe Esq. for the defendant.

H.S. Buhari Esq: The defendant is before the court. He speaks and understand Hausa language.

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

H.S. Buhari Esq: The case is for continuation of hearing and we have our last witness Inspector Danjuma Giwa is in court and we are ready.

S. Ovia Esq: We are also ready.

Court: Permission to call PW3 into the witness box is hereby granted.

PW3 (after affirmation): My name is Inspector Danjuma Giwa. I live at Unguwar Rogo Police Barracks, Sokoto. I am a Police Officer attached to State CID Office Sokoto as an IPO. Some of my duties includes recording of statements of complainants, witnesses and suspects. I know the defendant. I know him by name Bilal Ibrahim. I know him on the 2/4/2020 when I was on duty at State CID Office Sokoto when the defendant was transferred from Central Police Station Sokoto to CID Office in connection with the case of ***Culpable Homicide*** involving one Ahmed Abubakar now deceased. I was among the IPOs that were assigned to investigate the case. The IPOs comprises of DSP Musa Ibrahim, myself, Inspector Tyson. I was assigned to record the statement of the defendant. I then took my statement form and invited the defendant to our detective room. The place where investigation is conducted is a public place where visitors came to visit detainees and is the place where all IPOs sit and record statements from complainants,

witnesses and suspects. I sat down with the defendant in the detective room and was communicating with him in Hausa language. I observed the defendant has a wound on his head, and I asked him what happened? The defendant replied and said it was during a fight between him and the deceased Ahmad Abubakar. I then told the defendant the allegation made against him in connection with the death of Ahmad Abubakar. I then wrote a word of caution in Hausa language and read the word of caution and explained to the defendant in Hausa language. The defendant then said he understood and signed the word of caution by way of writing his name. I then countersigned the word of caution as the recorder of the statement. The defendant volunteered and made a statement in Hausa language which I also recorded in Hausa language. Thereafter I read over the statement to his hearing and he signed the statement after he was satisfied that was the statement he made and signed some by writing his name. I also wrote my name as the recorder of the statement. I translated same into English language and attached the statement in the case diary.

H.S. Buhari Esq: In the course of your evidence you made reference to a statement made by the defendant, if you see the statement can you identify it?

PW3: Yes, I can identify by my handwriting, the date I recorded the statement i.e. 2/4/2020, my signature and the name of the defendant.

H.S. Buhari Esq: Have a look at this statement and tell the court if it is the statement you are referring to in your evidence.

PW3: This is the statement I recorded and translated into English language.

H.S. Buhari Esq: The witness having identified both Hausa and English translated versions of the defendant's statement, we seek to tender same in evidence.

S. Ovia Esq: We are objecting to the admissibility of the statement sought to be tendered by the prosecution, but we reserve our argument on the issue until during our final address.

Court: The statement of the defendant made on the 2/4/2020 being relevant to the facts in issue before this court in this case, is hereby admitted in evidence and marked as **Exhibit B and B1** for Hausa and English translated versions respectively.

H.S. Buhari Esq: Is there anything you wish to tell this court?

PW3: No.

H.S. Buhari Esq: That is all for this witness.

Court: Cross Examination.

S. Ovia Esq: There is no medical record revealing the cause of death of Ahmad Abubakar, true or false?

PW3: I cannot remember whether or not there is medical report revealing the cause of death of Ahmad Abubakar.

S. Ovia Esq: Do you know what was the cause of death of Ahmad Abubakar?

PW3: I don't know the cause of death of Ahmad Abubakar.

S. Ovia Esq: You're aware that the defendant was attacked and injured leading to his hospitalization?

PW3: I am not aware.

S. Ovia Esq: Are you aware that the defendant was taken to hospital?

PW3: Yes I am aware that the defendant was taken to hospital.

S. Ovia Esq: During your investigation, did you see the hospital card of the defendant?

PW3: I can't remember and I cannot identify the card.

S. Ovia Esq: We apply that the hospital card be released by the prosecution and apply to tender same from the Bar since there is no dispute. We rely on Section 1 of the Evidence Act 2011 which allow relevant facts to be admitted in evidence in any proceedings.

H.S. Buhari Esq: We have no objection.

Court: The hospital card of the Defendant (Muh'd Bilal) with hospital card No. 510763 issued by Usman Danfodiyo University Teaching Hospital, Sokoto Trauma Section and dated 31/3/2020 produced by the prosecution sequel to the defence counsel application for same to be admitted in evidence. On the grounds

of relevancy to which the prosecution did not object is hereby admitted in evidence and marked as **Exhibit 'C'**.

S. Ovia Esq: There was no one in the detective room when you were recording the statement of the defendant?

PW3: There were many people.

S. Ovia Esq: Did you recover any exhibit in the course of your investigation?

PW3: There was no exhibit found.

S. Ovia Esq: That is all for this witness.

Court: Re-examination.

H.S. Buhari Esq: No re-examination and that is the case of the prosecution. We apply that PW3 be discharged.

Court: The witness is hereby discharged.

S. Ovia Esq: The prosecution having closed their case, we intend to open our defence and we have one witness who is also the defendant. We are ready.

Court: Proceed.

S. Ovia Esq: We humbly apply to call that witness into the witness box and apply that the defendant be stepped down from the dock and moved to the witness box for the purpose of giving his evidence in his defence.

Court: Permission to move the defendant from the dock into witness box for the purpose of giving his evidence, is hereby granted.

DW1 (after affirmation): My name is Bilal Muhammed. I live at Kofar Atiku, Sokoto. Sometimes in March 2020 on Tuesday or Wednesday at about 11pm I went to Kwamberu junction at a computer centre for the purpose of transferring films, and while I was standing, I saw some boys coming towards me and one of them cut me on the head and another one cut me from behind until I collapsed. The boys thereafter ran away and entered one corner. While I was lying down one man came on a motorcycle and on seeing my condition, he took me to the hospital. While we were waiting for the treatment of my wounds, some people came to the hospital with one boy called Ahmed. The officers of the Specialist then upon seeing our condition, they referred us to UDUTH for treatment and myself and Ahmed were conveyed to UDUTH in one vehicle. At the hospital I was asked about my relations and I told them my relations live at Kofar Atiku Area, Sokoto. Then one policeman came together with my uncle for my treatment in person of Mallam Ibrahim. That is all I can remember.

S. Ovia Esq: You said you sustained injuries on your head?

DW1: Yes and I can show the area on my head to the court to see (and the witness bent his head for the court to see).

S. Ovia Esq: Do you have any other thing to say?

DW1: Yes but that is all.

S. Ovia Esq: That is all for this witness.

Court: Cross Examination.

H.S. Buhari Esq: What you told this court is what you told the police?

DW1: Yes.

H.S. Buhari Esq: That is all for the witness.

Court: Re-examination.

S. Ovia Esq: No re-examination and we humbly apply for the discharge of DW1.

Court: The witness is hereby discharged.

S. Ovia Esq: That is the case of the defence and we apply to close our defence. We have agreed to the 24/3/2022 for adoption of written addresses.

Court: This matter is hereby adjourned to the 24/3/2022 for adoption of counsel's respective written addresses. Defendant be further remanded.

Signed

Hon. Justice Mohammed Mohammed

(Judge)

9/2/2022

Court resumed today 24/3/2022

Appearances:

H.S. Buhari Esq. for the prosecution.

S. Ovia Esq. with I. Osakwe Esq. for the defendant.

H.S. Buhari Esq: The defendant is before the court and the case is adjourned to today for adoption of written address and we are ready.

S. Ovia Esq: We are ready. We have filed our written address and served same on the prosecution. We adopt same as

the defendant filed the final written address on 3/3/2022. The defendant has raised 2 issues for determination and proffered extensive argument to substantiate that the prosecution has failed to prove all the elements of the offence on the charge against the defendant. We adopt the said final address and urge this court to uphold the validity of our argument and deliver a judgment discharging and acquitting the defendant.

S.H. Buhari Esq: The prosecution has been served with the defendant's written address in respect of this case, but we decided not to file any reply but in the final analysis we urge this court to convict and sentence the defendant as charged, prosecutions having proved its case beyond reasonable doubt.

Court: This matter is hereby adjourned for judgment. Hearing notice will be sent to the counsel immediately the judgment is ready.

Signed

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

24/3/2022

CERTIFIED TRUE COPY:

**FATIMA SAIDU MOH'D
DIRECTOR LITIGATION
HIGH COURT OF JUSTICE,
SOKOTO.**