

IN THE HIGH COURT OF JUSTICE OF SOKOTO STATE
IN THE SOKOTO JUDICIAL DIVISION
HOLDEN AT SOKOTO
ON THE 30TH DAY OF SEPTEMBER, 2022
BEFORE HIS LORDSHIP:
HON. JUSTICE MOHAMMED MOHAMMED (JUDGE)

SUIT NO. SS/100^C/2022

BETWEEN:

THE STATE-----COMPLAINANT

AND

1. ALIYU ABDULLAHI

2. ALIYU UMAR----- DEFENDANTS

Appearances:

O.B Okusanya Esq. with A.M. Dingyadi Esq. for the prosecution.

Mustapha Danjuma Esq. for the defendants.

O.B. Okusanya Esq: The defendants are in court and speak Hausa language.

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

O.B. Okusanya Esq: The matter is for mention but we have agreed that plea of the defendants be taken on the next adjourned date.

Court: This matter is hereby adjourned to 25/10/2022 for further mention. Defendants be further remanded.

Signed

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

30/8/2022

Court resumed today 25/10/2022

Appearances:

O.B Okusanya Esq. with A.M. Dingyadi Esq. for the prosecution.

Defendants are in court and speak Hausa language.

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

O.B. Okusanya Esq: The case is for further mention but the defence counsel is not in court. In the circumstances, we humbly apply for another date and suggest 10/11/2022.

Court: This matter is hereby adjourned to 10/11/2022 for further mention. Defendants be further remanded.

Signed

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

25/10/2022

Court resumed today 1/12/2022

Appearances:

O.B Okusanya Esq. with Bello Musa DDCL Ministry of Justice, Sokoto for the prosecution.

Mustapha Danjuma Esq. for the defendants.

O.B. Okusanya Esq: I have the fiat of the Attorney General of Sokoto Stated dated 8/8/2022 and we are ready for the plea to be taken.

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

O.B. Okusanya Esq: The charges against the defendants is dated and signed by me on the 9/8/2022. They are charged with the offence of ***Conspiracy*** contrary to Section 59 (1) and punishable under Section 60 (1) of the Penal Code Law of Sokoto State 2019 and the offence of ***Kidnapping*** contrary to Section 247 (a) and punishable under Section 247 (b) of the Penal Code Law 2019. We humbly apply that the plea of the defendant be taken.

Mustapha Danjuma Esq: We are ready.

Court to Registrar: Read and explain to the defendants the charges that were framed against them in Hausa language.

COUNT 1

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

1st Defendant: Yes I heard.

2nd Defendant: Yes I heard.

Court: Did you understand the particulars of the offence?

1st Defendant: Yes I understand.

2nd Defendant: Yes I understand.

Court: Are you guilty or not guilty?

1st Defendant: I am not guilty.

2nd Defendant: I am not guilty.

COUNT 2

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

1st Defendant: Yes I heard.

2nd Defendant: Yes I heard.

Court: Did you understand the particulars of the offence?

1st Defendant: Yes I understand.

2nd Defendant: Yes I understand.

Court: Are you guilty or not guilty?

1st Defendant: I am not guilty.

2nd Defendant: I am not guilty.

Oyinkansola Badejo Okusanya Esq: In view of the plea of not guilty of the defendants, we humbly apply for another date to enable us bring our witnesses and tender the exhibits that will establish the offences the defendants have been charged with as contained in the proofs of evidence. We have agreed to the 6/2/2023 for hearing.

Court: This matter is hereby adjourned to the 6/2/2023 for hearing. Witness summons be issued to the prosecuting witnesses as contained on the list of witnesses annexed to the charge. Defendants be further remanded.

Signed

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

1/12/2023

Court resumed today 21/2/2023

Appearances:

Oyinkansola Badejo Okusanya Esq. with M.G. Gidan Madi Esq. and A.M. Dingyadi Esq. for the prosecution.

Mustapha Danjuma Esq. with A.D. Tambuwal Esq. for the defendants.

Oyinkansola Badejo Okusanya Esq: The defendants are before the court and they all speak Hausa language. The matter has been adjourned to today for commencement of hearing.

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

O.B. Okusanya Esq: We are ready. We intend to call 5 witnesses and all the witnesses are in court.

Mustapha Danjuma Esq: We are ready.

Court: Proceed.

O.B. Okusanya Esq: We have an application to call a material witness who is the Exhibit Keeper of the State C.I.D Office and in whose custody the Exhibits we intend to tender are and whose name unfortunately was not included in the list of witnesses attached to the charge. The application is made pursuant to Section 255 of the ACJL of Sokoto State 2019. We urge the court to grant the application.

Mustapha Danjuma Esq: We have no objection.

Court: In consideration of the provision of Section 255 of the ACJL of Sokoto State 2019 pursuant to which this application is brought, and the materiality of the witness intended to be called coupled with the no objection response of the defendants' counsel, it is the humble view of this court that this application has merit and ought to be granted.

According application to call the Exhibit Keeper of the State C.I.D Office Sokoto as a witness in this case, is hereby granted.

O.B. Okunsanya Esq: Our PW1 is a police officer and the Exhibit Keeper of the State C.I.D Sokoto. He will testify in English language.

PW1 (after affirmation): My name is Inspector Ahmed Abubakar. I live at Tamaje Area, Sokoto. I am a Police Officer with AP/No. 180197 attached to CID Office Sokoto Command as an Exhibit Keeper in this case. I have been an Exhibit Keeper for about 10 years. My duties includes accepting and registering of items in connection with criminal cases, and tendering same before the court when the need arise.

I know the defendants. I know them on the 25/11/2020 when I was in the office at CID Office Sokoto when some visiting detectives from Abuja I.R.T Section, Force Headquarters Abuja, among them is Inspector Sani Usman

who is among the team investigating the case of the defendants, brought me the defendants and one black Techno handset containing 2 Sim Cards inside which are of Glo and MTN Sim Cards for registration connection with a case of ***Criminal Conspiracy and Kidnapping***. I accepted the Exhibits and I registered it as Exhibit No. 108/A/2020. I attached label on the Exhibit and put same inside a brown envelope which I kept in my official custody till today when I was called upon to come and tender it in evidence before this court and are here with me.

O.B. Okunsanya Esq: The witness having produced the Techno handset he described and which has been in his official custody, we seek to tender same in evidence.

Mustapha Danjuma Esq: We have no objection.

Court: The witness having produced the black Techno handset with MTN and also Glo Sim Cards which have been in his official custody and the prosecution has applied for same to be admitted in evidence which application was not objected to by the defence counsel, same are hereby admitted in evidence and marked as **Exhibits A, A1 and A2** for the black Techno handset, MTN Sim Card and Glo Sim Card respectively.

O.B. Okusanya Esq: That is all for this witness.

Court: Cross-examination

Mustapha Danjuma Esq: You said you know the defendant's, how did you come to know them?

PW1: I knew them on the 25/11/2020 and the Exhibits were only brought to me along with the defendants, but I don't know the number of the 2 Sim Cards.

Mustapha Danjuma Esq: Did you receive any weapon along with the defendants?

PW1: No.

Mustapha Danjuma Esq: That is all for this witness.

Court: Re-examination.

O.B. Akunsanya Esq: No any re-examination.

Court: The witness is hereby discharged.

O.B. Akusanya Esq: Our PW2 is Inspector Sani Usman. He will also testify in English language.

PW2 (after affirmation): My name is Inspector Sani Usman. I live at Billiri Local Government of Gombe State. I am Force No. 158843 attached to Intelligence Response Team Force Headquarters, Abuja. I am now Assistant Superintendant of Police (ASP). I could remember sometimes around October, 2020 I was at the office, IRT Office Abuja (i.e. Intelligence Response Team Office) when a letter of complaint was brought from the American Embassy boldly written that a number 09150266355 was used in demanding for ransom in respect of a white American citizen that was kidnapped in Masallata Area in Niger Republic and was brought to Kalmanu Village in Illela Local Government Area of Sokoto State. I was detailed to investigate this number i.e. 09150266355. Then a telecommunication analysis was done on the said number and it was discovered that the number was in Illela Local Government. I then swing into action by tracking the said number and it was discovered that the number is in use and in the process of tracking, I and my team members arrested one Aliyu Abdullahi in possession of a phone and the Sim card. The Aliyu Abdullahi I am referring to is the 1st defendant. Immediately we arrested him,

he was taken to Abuja for interrogations, and in the process of interrogation, he confessed the ownership of the phone and Sim card. As the interrogation continues, he further confessed about the kidnapping of the American citizen one Mr. Walton Nathan. He also confessed that it was one Barti that brought the kidnapping job. He also made mention of names of some of his gang members. He mentioned one Aliyu Umar A.K.A Kwatte, and others whose names I cannot remember. Aliyu Umar Akakwate is the 2nd defendant. After the interrogation, I recorded the statement of the 1st defendant after words of caution in English language and interpret it to him in Hausa language. He appeared to understand same and countersigned it with his right thumbprint. He spoke to me in Hausa language and I recorded it in English language and thereafter interpreted it to him in Hausa language. I then took the 1st defendant to my superior officer along with the statement. My superior interviewed him and also read the statement to him.

O.B. Akusanya Esq: If you see the statement can you recognize it?

PW2: Yes I can identify it through my signature and handwriting.

O.B. Akusanya Esq: Have a look at this document and tell the court if it is the statement.

PW2: Yes this is the statement I recorded and referred to in my evidence.

O.B. Akusanya Esq: We apply to tender the statement in evidence.

Mustapha Danjuma Esq: We have objection but we reserved our reasons and submission until the final address.

Court: On grounds of relevancy, the statement of the defendant dated 8/12/2021 is hereby admitted in evidence and marked

as **Exhibit 'B'** and this is without prejudice of the right of this court to expunge same if the need arise.

O.B. Akusanya Esq: That is all for this witness.

Court: Cross-examination

Mustapha Danjuma Esq: You are an experienced police officer?

PW2: I have my little knowledge of the work and I am not the head of the I.R.T.

Mustapha Danjuma Esq: The complaint letter did not carry the name of any suspect?

PW2: Yes and I made efforts to meet with the nominal complainant.

Mustapha Danjuma Esq: Where was the 1st defendant arrested?

PW2: The 1st defendant was arrested at Illela Town.

Mustapha Danjuma Esq: Where was the offence committed?

PW2: The offence was committed at Masallata Village in Niger Republic and victim was brought to Kalmanu Forest in Illela Local Government of Sokoto State.

Mustapha Danjuma Esq: Proper investigation was not made?

PW2: No proper investigation was made and the 1st defendant made his statement voluntarily.

Mustapha Danjuma Esq: Did you allow the 1st defendant to bring any member of his family or his lawyer or before his statement was recorded?

PW2: Yes I did allow him because the 1st defendant tried to reach his relatives via his phone but could not reach them and that was why none of his relative was present at that time.

Mustapha Danjuma Esq: The defendants are in your custody for about 2 years.

PW2: Due to the nature of an investigation it takes time for us to arraign such serious crime because it involves so many suspects.

Mustapha Danjuma Esq: Did you recover anything from the defendants in the cause of your investigation?

PW2: Yes because in the course of investigation we recover a Techno mobile phone with a Sim Card which was used in demanding ransom.

Mustapha Danjuma Esq: Was the number on the complaint the same with the number you recovered from the defendant?

PW2: Yes and I did not visited the scenes of crime.

Mustapha Danjuma Esq: That is all for this witness.

Court: Re-examination.

O.B. Akusanya Esq: No any re-examination.

Court: The witness is hereby discharged.

O.B. Akusanya Esq: Our PW3 is Inspector Jacob Afolayan. He will testify in English language.

PW3 (after affirmation): My name is Inspector Jacob Afolayan and I live at Kaduna. I am a Police Officer and I am AP No. 279470 attached to Intelligence Response Team Force Headquarters Abuja. In October 2020 I was at Intelligence Response Team attached to Kaduna Annex. I know the defendants and I come to know them based on a complaint written to Deputy Commissioner of Police in charge of the Intelligence Response Team from American Embassy about an American national by name Mr. Phillip Nathan who was kidnapped in

Niger Republic and that a particular phone number called the families of the victim in America demanding for ransom and the phone number happened to be a Nigerian number which originated from Nigeria territory. Our team was detailed to investigate the case. Based on that some members of the team come down to Sokoto where that particular phone number was discovered to be located, and the team succeeded in arresting the 1st defendant being the user of the phone number used for demanding the ransom. He was interrogated about what he knows about the case. He admitted to be one of members of the gang that kidnapped the victim and mentioned other members of the gang including the 2nd defendant. By the time the team went to Kalmanu Village where the defendant was arrested, other members of the gang got information and disappeared and only the 2nd defendant was arrested. After their arrest, the defendants were brought to our base at Kaduna where I was detail to record the statement of the 2nd defendant. I cautioned him in English language and the words of caution was interpreted to him by colleague Inspector Lawal Abdullahi in Hausa language which is the language he understands. He then gave me his statement voluntarily by which I recorded in English language which was also interpreted to the defendant by the same Inspector Lawal Abdullahi. I then took the 2nd defendant to my superior ASP Muhammad Amadu who equally read the statement to the defendant and interpreted to him in Hausa language and the 2nd defendant confirmed to the ASP that he was the one who made the statement. On 9/12/2020 I was asked to record additional statement of the 1st defendant in addition to his earlier statement he made which was recorded by Inspector Sani Usman. In April 2021,

I recorded additional statements of both defendants. That is all.

O.B. Akusanya Esq: If you see the statements you recorded from the defendants can you recognize them?

PW3: Yes by the names of the defendants, my handwriting, my signature, date and the official suspect statement form of police.

O.B. Akusanya Esq: Have a look at these statements and confirm to the court if they are the statements?

PW3: Yes these are the statements.

O.B. Akusanya Esq: We seek to tender them in evidence.

Mustapha Danjuma Esq: We have objection but we reserve it until at address stage.

Court: The additional statement of the 1st defendant made on 9/12/2020, 19/12/2020 and 28/4/2021 are hereby admitted in evidence and marked as **Exhibit B1, B2 and B3** respectively, while the statement of the 2nd defendant made 8/12/2020 and the additional statement made on 28/4/2021 are hereby admitted in evidence and marked as **Exhibit C and C1** respectively. This is without prejudice to the right of this court to expunge same if the need arises.

O.B. Akusanya Esq: That is all for this witness.

Court: Cross examination.

Mustapha Danjuma Esq: Are you the IPO of this case.

PW3: We operated as a team and from day 1, I was part of the team and I recorded statements from all the defendants and one of my colleague also recorded a statement from one of the defendants.

Mustapha Danjuma Esq: Before you recorded the statements of the defendants, did you give this their right to call any of their family members or lawyers?

PW3: The defendants did not call anybody before they made their statements.

Mustapha Danjuma Esq: To whom was the letter of complaint addressed?

PW3: It was addressed to the Deputy of Commissioner of Police, Intelligence Response Team, Force Headquarters, Gusefe, Abuja and the letter did not carry the name of any person as a suspect but it carried the phone number of the 1st defendant, but I cannot recall the number and the complaint letter did not indicate the family number of the victim.

Mustapha Danjuma Esq: Did you recover anything from the defendant?

PW3: Yes but it is only the Techno mobile phone and the number.

Mustapha Danjuma Esq: Can you tell the place of arrest by the defendants?

PW3: I was not part of the officers who arrested the defendant but I was told that they were arrested at Kalmanu Village in Illela Local Government Area of Sokoto State.

Mustapha Danjuma Esq: The defendants were in your custody for about 2 years?

PW3: No because after we completed our investigation, we handed the defendants to Sokoto Police Command for prosecution. But I cannot remember how many days they spent in court custody.

Mustapha Danjuma Esq: Can you remember the day and year you transferred the defendants to C.I.D Sokoto?

PW3: I can't remember.

Mustapha Danjuma Esq: The statement you recorded from the defendants was what you were told?

PW3: I recorded the statements of the defendants directly from them.

Mustapha Danjuma Esq: Did you visit the scene of crime?

PW3: I did not visit the scene of crime.

Mustapha Danjuma Esq: Why did you not prosecute the defendants?

PW3: The Directive is that we should always transfer the case to where an offence is committed.

Mustapha Danjuma Esq: That is all for the witness.

Court: Re-examination.

O.B. Akusanya Esq: Nil

Court: The witness is hereby discharged.

O.B. Akusanya Esq: Our PW4 is Inspector Lawal Abdullahi and will testify in English language.

PW4 (after affirmation): My name is AP No. 192936 Inspector Lawal Abdullahi. I live at Kaduna and currently with Kaduna State Police Command. In October, 2020, I was attached to FIB IRT that is Force Intelligence Bureau Intelligence Response Team, Abuja. I know the defendants. I am part of the team of investigators in the case against the defendants. On the day of the recording of their statements, I am the one that interpreted their statement from Hausa to English and vice versa because the defendants made their statements in Hausa language. After the statement was recorded in English language, the officers gave me the statements which were recorded in English language and I read and interpreted the

statements to the defendant and they understand in Hausa language and confirmed that it was the statements they made. The defendants made their statements in Hausa language, I interpreted it to the recorder in English language and after I read it over and interpreted the defendants in Hausa language.

O.B. Akusanya Esq: That is all for this witness.

Court: Cross examination

Mustapha Danjuma Esq: The only role you played was that of an interpreter between the recorders of the defendants' statements and the defendants?

PW4: Yes and I don't know anything about the case and I can remember it was on 8 and 9/11/2020. I also don't know the day the defendants were taken to court after my role as an interpreter.

Mustapha Danjuma Esq: That is all for this witness.

Court: Re-examination.

O.B. Akusanya Esq: No any re-examination.

Court: The witness is hereby discharged.

O.B. Akusanya Esq: Our PW5 is ASP Muhammad Amadu. He will also testify in English language.

PW5 (after affirmative): My name is Mohammed Amadu ASP attached to Intelligence Response Team. My Force No. is 129763. I live in Jigawa State. In October, 2020 I was attached to FIB Intelligence Response Team Force Headquarters Abuja. I know the defendants. On the 8/11/2020 one Inspector Sani Usman brought Aliyu Abdullahi (the 1st defendant) with a written statement that it was the statement made by the 1st defendant and that it was confessional in nature. I collected

the statement. I read it over to the 1st defendant and he confirmed to me that it was the statement he gave to the IPO. I asked him that did he made the statement voluntarily? And he said yes. I asked him again whether the IPO or any other person made any promise to him, and he said no that he made the statements voluntarily. I asked him whether he was threatened before he made the statement, and he said no that, he made the statement voluntarily. I then endorse the statement. He signed and the IPO signed. That is all.

O.B. Akunsanya Esq: Was that the only statement you endorse?

PW5: The following day he was brought with another additional statement. I collected the statement again. I read it over to him and he confirmed to me that he voluntarily made the statement. I then endorse the statement. He signed and the IPO also signed. I also carried out similar procedure in respect of the 2nd defendant on the 8/12/2020 when Inspector Jacob Afolayan brought on Aliyu Umar (the 2nd defendant) with a written statement and the statement was confessional in nature. I collected the statement. I read it over to the 2nd defendant and he confirmed to me that it was the statement he made to the IPO. I asked him if there was any promise that was made to him before he made the statement, or any threat and he said no that he made the statements voluntarily. I then endorse the statement. He signed and the IPO signed.

O.B. Akusanya Esq: If you see the statements, can you recognize them?

PW5: Yes because I endorse the statements with a red biro and my handwriting.

O.B. Akusanya: Please show the witness the whole of **Exhibits B and C**.

PW5: The **Exhibits B and C** are the statements of the defendants which I endorsed.

O.B. Akusanya Esq: That is all for this witness.

Court: Cross examination.

Mustapha Danjuma Esq: Did you receive the defendants and their statements on the same date?

PW5: Yes and the defendants were in detention for about 30 days before they were brought to me.

Mustapha Danjuma Esq: Was any of their relative present when you were questioning them before you endorse the statements?

PW5: No and the case has complications because they mentioned some other gang members and I so asked members of my to go and get them arrested, but despite our best efforts, we did not arrested anybody again. For the period they stayed with us we were looking for the rest of their members. We did not recover any weapon with the defendants but they did mentioned who is in possession of weapons. We only recovered a handset they used in negotiating for the ransom. I think it should be a Techno handset and the hand set has 2 Sim cards but the Glo Sim is our concern. I however cannot remember the number in full but it started with 0915.

Mustapha Danjuma Esq: All your evidence is what you were told to come and tell this court?

PW5: Is not true because it is what I know. I did not however visited the houses of the defendants. I did not also visit the scenes of crimes.

Mustapha Danjuma Esq: That is all for this witness.

Court: Re-examination.

O.B. Akusanya Esq: Nil

Court: The witness is hereby discharged.

O.B. Akusanya Esq: That is the case of the prosecution and we hereby apply to close our case.

Mustapha Danjuma Esq: We have agreed to the 12/4/2023 for defence.

Court: This matter is hereby adjourned to 12/4/2023 for defence. Defendants be further remanded.

Signed

**Hon. Justice Mohammed Mohammed
(Judge)
21/2/2023**

Court resumed today 5/12/2023

Appearances:

M.H. Adamu Dr. for the defendants.

M.G. Gidan Madi Esq. for the prosecution. Defendants not produced from the Correctional Centre. The case has been adjourned to today for the defendants to open their defence and we are ready.

Dr. M.H. Adamu Esq: After the close of the prosecution's case, we have reviewed the evidence so far adduced by the prosecution and come to the conclusion that the defendants do not intend to open defence instead will make a no case submission. Although we are just informing this court of our decision, we have already filed our written address in respect of the no case submission on the 19/5/2023 and we are ready to adopt same.

M.G. Gidan Madi Esq: It is true that we have been served with the written address of the defendants on no case submission and equally respondent as we filed our prosecution's reply to the no case submission filed by the defendants' counsel. We are also ready to adopt same.

Court: Proceed.

Dr. M.H. Adamu Esq: The defendants have filed their no case submission on the 19/5/2023 and we adopt same as our oral submission in respect of the no case submission. We urge the court to uphold the no case submission and discharge the defendant.

M.G. Gidan Madi Esq: The prosecution's reply to the no case submission was filed on the 15/9/2023. We adopt the said reply as our argument and urge the court to hold that the prosecution has made out a prime facie case that will warrant the defendants to enter their defence.

Court: This matter is hereby adjourned to 20/12/202 for ruling.

Signed
Hon. Justice Mohammed Mohammed
(Judge)
5/9/2023

Court resumed today 20/12/2023

Appearances:

Dr. M.H. Adamu Esq. for the defendants. The prosecuting counsel is in disposed to be in court today. The matter is for ruling on no case submission and we are ready.

RULING

Court: By a two (2) counts charges the defendants were arraigned before this court for the offences of ***Criminal Conspiracy and Kidnapping*** punishable under Sections 60 (1) and 247 (b) of the Sokoto State Penal Code Law 2019.

After the two (2) counts charges were read and explained to the defendants in Hausa language, the defendants pleaded not guilty to all the charges and so the matter was adjourned for hearing.

In their efforts to establish a prima facie case against the defendants, the prosecution called 5 witnesses and tendered nine (9) Exhibits which were admitted in evidence and marked as **Exhibits A, A1, A2, B, B1, B2, B3, C and C1** respectively.

The said Exhibits comprised of a black Techno mobile phone, MTN and Glo Sim Cards as well as statements and additional statements of the defendants respectively.

The prosecution after calling the five (5) witnesses, closed their case, and after the close of the prosecution's case, the defence counsel opted to make a no case submission on behalf of the defendants. The case was thereafter adjourned for adoption of counsel's respective written address, and upon the said adoption, the matter was adjourned for ruling.

For the purpose of this ruling, the following sole issue for determination is hereby formulated as follows:-

“Whether having regards to the totality of the evidence adduced before this court, the prosecution has made out a prima facie case against the defendants to warrant this Honourable Court call upon the defendants to enter their defence.”

By paragraphs 1.1, 1.4, 2.1, and 2.3 of the defendants' adopted written address, the defence counsel submitted that the prosecution by the evidence led, did not supply sufficient evidence to justify the continuation of the trial of the defendants in this case. They further submitted that the offences alleged against the defendants, have not been proved by the prosecution as required by law, as the evidence adduced has been discredited during cross examination.

Defence counsel contended further that the extra-judicial statements of the defendants tendered and admitted in evidence, are inadmissible in evidence.

It was also the contention of the defence counsel that the evidence led by the prosecution, did not link the defendants with the commission of the offences alleged against them.

Defence counsel finally urge this court to discharge the defendants.

- **Chyfrank Nigeria Ltd V. FRN (2019) 3 WRN 162.**
- **Bello Okashatu V. State (2016) LPELR 40611.**
- **Afolabi V. State (2013) LPELR 20700.**

Reacting to the no case submission made by the defence counsel on behalf of the defendants, the prosecuting counsel submitted that in the confessional statements of the defendants which were tendered and admitted, the defendants confessed their participation in the commission of the offences alleged against them.

It was the submission of the prosecuting counsel that the evidence of PW2 who gave evidence with respect to how the 1st defendant was tracked and arrested, using the number that was used in demanding the ransom, shows the linkage of the defendants with the commission of the offences alleged against them.

Prosecuting counsel finally urge the court to overrule the no case submission and call upon the defendants to enter their defence.

- **State V. Emedo (2001) 12 NWLR PT 726 P 131.**
- **Tongo V. COP (2007) 12 NWLR PT 1049 P 523.**
- **Ukashatu V. State (2016) LPELR 40611.**

- **Ogunjobi V. State (2022) LPELR 58187.**
- **Durugo V. State (1992) LPELR 972.**
- **Garba V. State (2022) LPELR 57677.**
- **Enebeli V. State (2021) LPELR 54990.**

Let me start by saying that it is trite law that at the stage of a submission of no case to answer, all that is required of the trial court, is whether by the evidence led by the prosecution before the court, the prosecution has made out a prima facie case against the defendant requiring at least some explanation from the defendant thereby justifying the continuation of the trial.

Therefore, the trial court is not required to evaluate the evidence before it at the stage of no case to answer. Once the evidence led by the prosecution is good and sufficient on its face that it is a case in which there is evidence which will suffice to support the allegation made in the case, and which can stand unless there is evidence to rebut the allegation, then a prima facie case is established against the defendant.

- **Omisore V. State (2008) 3 NCC 60.**
- **Igwe V. State (2022) 1 NWLR PT 1810 P 111.**
- **Ajigoye V. State (1995) 8 NWLR PT 414 P 408.**
- **Ojakovo V. State (2021) LPELR 55744.**
- **Ade V. COP (2020) LPELR 51338.**
- **Chyfrank Nig Ltd V. FRN (2019) 6 NWLR PT 1667 P 143 at 159.**
- **State V. Ibanga (2021) 5 NWLR PT 1769 P 253 at 266.**
- **Section 302 (3) (b) ACJL of Sokoto State 2019.**

In consideration of the evidence of the five (5) prosecution witnesses and the exhibits tendered and admitted, it is the humble view of this court that the evidence led by the

prosecution is good and sufficient on its face as showing a case in which there is evidence supporting the allegation made against the defendants which can stand unless there is evidence to rebut the allegation as the evidence requires at least, some explanations from the defendants justifying the ground for proceeding.

Consequently, the no case submission made by the defence counsel on behalf of the defendants, is hereby overruled and the defendants are hereby called upon to enter their defence.

Signed
Hon. Justice Mohammed Mohammed
(Judge)
20/12/2023

Dr. M.H. Adamu Esq: In the circumstances, we suggest 30/1/2024 for defence.

Court: This matter is hereby adjourned to 30/1/2024 for defence. Fresh hearing notice be issued to the prosecuting counsel. Defendants be further remanded.

Signed
Hon. Justice Mohammed Mohammed
(Judge)
20/12/2023

Court resumed today 30/1/2024

Appearances:

O. Badejo Esq. for prosecution.

Dr. M.H. Adamu Esq. with Mustapha Danjuma Esq, A.D. Tambuwal Esq. and O.S. Ekere Esq. for the defendants.

O. Badejo Esq: The defendants are in court and the defendants speak Hausa language.

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

Dr. M.H. Adamu Esq: We intend to call 5 witnesses and we have 3. Our DW1 is Umar Buba and will testify in Hausa language.

DW1 (after affirmation): My name is Umaru Buba. I am 70 years old. I live at Kalmalu, Matankari District, Illela Local Government. I am a rearer of livestock. I am a Village Head for about 30 years. I know the defendants. I heard why they are before the court. They were alleged to have committed the offence of ***Kidnapping*** and the 1st defendant was arrested at Illela in a market day while the 2nd defendant was arrested at Kalmanu Village while he was rearing livestock. What I am urging this court to do, is to release the defendants because they did not committed what was alleged against them because I just heard they were arrested. It is a mere allegation because I don't know them as criminals or as persons committing such type of offence. I have no anything to add but I know the defendants are of good character.

Dr. M.H. Adamu Esq: That is all for the witness.

Court: Cross examination

O. Badejo Esq: You said you know the defendants did not commit the offence, how do you know?

DW1: Because I just heard they were arrested.

O. Badejo Esq: That is all.

Court: Re-examination

Dr. M.H. Adamu Esq: No.

Court: The witness is discharged.

DW2 (after affirmation): My name is Aliyu Abdullahi. I live at a village near Kalmanu of Illela LGA of Sokoto State. I am a rearer of

livestock. I am before this court because I have been suspected to have committed *kidnapping*. What I know is that I was arrested in the market of Illela at about 4pm about 4yrs now. I was also tortured. I was taken to Abuja after I was arrested, but honestly I don't know who committed. I also don't know the offence was committed. I was tortured by police who arrested. They asked me whether I was the one who committed the offence and I said no because since I was brought up my work is cattle rearing. After the interrogation, they continue writing. They later brought me back to Kaduna where I was also tortured and from there I was transferred to Sokoto. That is all what I know about this case. I don't know what they wrote because I did not go to western school, for western education. The police officers who tortured me are many and I don't know anyone of them. I don't know where what they wrote is now, because after the writing, they took me back to the cell. I can remember I made a statement to the police. They asked me about my name and I told them is Aliyu Abdullahi and that I am 20 years. I also told them that I am a rearer. That was the statement I made.

Dr. M.H. Adamu Esq: That is all.

Court: Cross-examination

O. Badejo Esq: Do you know the 2nd defendant?

DW2: I know the 2nd defendant. We are not related and not in the same town, but I know him. I know him when I was arrested. I don't have a mobile phone. I was not arrested with any mobile phone. I don't know Barti Alhaji. I was arrested at Illela Market and at that time, there were other people but I was the only one that was arrested. At the time I was arrested, the police informed me whether I am one of those who kidnapped someone? And I said no. The police who

arrested me came from Abuja to arrest me and others because after I was arrested they also came back arrested others but not because of what I told them. I have never had a mobile phone. The police did not arrested me because I was tracked through my mobile phone number. They just met me at Kara market where animals were sold and arrested me. The police first arrested others before they came back and arrested me. The police before recording my statement, they first informed me of the allegation against me. I did not made my statement voluntarily and I was not also cautioned.

O. Badejo Esq: That is all.

Court: Re-examination.

Dr. M.H. Adamu Esq: Nil

Court: The witness discharged.

DW3 (after affirmative): My name is Aliyu Umar. I live at Kalmanu in Illela LGA of Sokoto State. I am a cattle rearer and also trading in vegetables. I am here before this court because I am suspected to have committed *kidnapping* but I did not commit the said offence and I don't know who committed the offence. I also don't know where it was committed. I was arrested at cattle sellers market, Illela for about 4 yrs ago. I was arrested by one Abu Bindiga and his boys while they were on patrol. They took me to Kaduna where I was tortured because they want get information as to whether I know the 1st defendant. I suffered to the extent that I cannot do anything for myself. I told them I don't know the 1st defendant. I did not give any statement to the police apart from the question they asked about 1st defendant. I was also later taken to Abuja and locked in the dark room because they want us to confess. We spent about 5 months at Abuja and 7 months at Kaduna. I was tortured by Oga Sani, Abu

Bindinga and Jacob, Oga Idris and Oga Shege. I am telling this court that I did not commit the offences alleged me, I don't know who committed them and where they are committed. That is all.

Dr. M.H. Adamu Esq: That is all.

Court: Cross examination.

O. Badejo Esq: Are you also known as Kwatte Kusu?

DW3: Yes I am also known as Kwatte and my father's name is Umar. I am a seller of cattles and buyer. I did not sign but they took my hand and thumb printed. The 1st defendant was first arrested before I was arrested. I don't know Dan Buda and I came to know 1st defendant after I was arrested. I don't know Niger Republic and I have never been to Niger Republic. I am now 30 years but was 26 years old when I was arrested. I have never been to Abuja I was arrested so also Kaduna. Throughout our stay the police were not feeding us food and water except the assistance from the other people that were arrested.

O. Badejo Esq: That is all for the witness.

Court: Re-examination.

Dr. M.H. Adamu Esq: No any re-examination and that is all for today and we humbly apply for adjournment to 31/1/2024.

Court: This matter is hereby adjourned to 31/1/2024 for continuation of defence. Defendants be further remanded.

Signed
Hon. Justice Mohammed Mohammed
(Judge)
30/1/2024

Court resumed today 31/1/2024

Appearances:

O. Badejo Esq. for prosecution with A.M. Dingyadi Esq.

Dr. M.H. Adamu Esq. for the defendants.

O. Badejo Esq: The matter is for continuation of defence. The defendants are in court and speak Hausa language.

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

Dr. M.H. Adamu Esq: Our DW4 in person of Abdullahi Usman is in court and will testify in Hausa language.

DW4 (after affirmation): My name is Abdullahi Usman. I live at Kalmanu, Illela LGA of Sokoto State. I am the Youth Leader of Miyetti Allah. I now the defendants and their names are Mallam Abdullahi and Aliyu Umar. The defendants are being suspected to have committed the offence of ***Kidnapping***. The defendants do not use to involve themselves in kidnapping because I know the 1st defendant is a rearer while the 2nd defendant is a businessman who used to travel from their village to Lagos. I am telling this court that they did not commit the offence alleged against them. That is all.

Dr. M.H. Adamu Esq: That is all for this witness.

Court: Cross-examination

O. Badejo Esq: How old are you?

DW4: I am 35 years old. The defendants are my brothers and I know them together for long. The defendants are also brothers. All of us know each other because we are in the same town. Apart from being Miyetti Allah Youth Leader, I am not doing any other work. I am not a police officer and

don't work for them. I trust the defendants that is why I believe they don't involve themselves in kidnapping.

O. Badejo Esq: That is all.

Court: Re-examination

Dr. M.H. Adamu Esq: No re-examination.

Court: The witness is discharged.

Dr. M.H. Adamu Esq: That is the defence of the defendants and we therefore apply for counsel to file written address and we have agreed to the 22/2/2024 for adoption of written address of counsel.

Court: This matter is hereby adjourned to 22/2/2024 for adoption of counsel's respective written addresses. Defendants be further remanded.

Signed
Hon. Justice Mohammed Mohammed
(Judge)
31/1/2024

Court resumed today 22/2/2024

Appearances:

O. Badejo Esq. with A.M. Dingyadi Esq. for the prosecution.

Dr. M.H. Adamu Esq. for the defendants.

O. Badejo Esq: The matter is for adoption of final written address and we are ready.

Dr. M.H. Adamu Esq: I am also ready.

Court: Proceed.

Dr. M.H. Adamu Esq: The defendants' final address was filed on the 13/2/2024 and we adopt same as our final legal submission urging the court to discharge and acquit the defendants in respect of all the charges.

In paragraph 1.4 we have submitted that the prosecution has not proved any of the elements of the whole offences. In paragraph 1.5, we have raised the issue of prosecutor's failure to call the victims, or member of his family to seek for ransom or anything from the US Embassy. The statement of the Special Forces have not been tendered by the prosecution nor the letter of the embassy of complaint was not also tendered. In paragraph 2.1 we argued that the evidence of the prosecution did not link the defendants with the cell phone. In paragraph 2.2 we have argued that call log data base was not tendered by the prosecution. We have also argued that the statements of the defendants are not admissible and urge the court not to attach any probative value to them. The court shall act of the evidence of the defence and acquit the defendants.

O. Badejo Esq: The prosecution's filed written address was filed on the 20/2/2024 and we adopt same and urge this court to convict the defendants as charged. In brief adumbration, in paragraph 5.1.5 we have submitted that the defendants made their statements voluntarily.

In paragraph 5.1.10, we argued that there is no law that says a victim must be called as a witness in criminal cases. We also argued that there is no impeachment as to the analysis was carried out in demanding for ransom. In paragraph 5.2.1 the defendants did not address the charges against them in their written address.

In paragraph 5.2.10, DW4 demolished the evidence of D2 and DW3 as to knowing themselves. We finally urge the court to convict the defendants as charged and sentence.

Court: 8This matter is hereby adjourned for judgment. Hearing notice will be sent to counsel immediately the judgment is ready. Defendants be further remanded.

Signed
Hon. Justice Mohammed Mohammed
(Judge)
22/2/2024

CERTIFY TRUE COPY:

FATIMA SAIDU MUH'D
Ag. DIRECTOR LITIGATION,
HIGH COURT OF JUSTICE,
SOKOTO.