

IN THE HIGH COURT OF JUSTICE OF SOKOTO STATE

IN THE SOKOTO JUDICIAL DIVISION

HOLDEN AT SOKOTO

BEFORE HIS LORDSHIP

HON. JUSTICE MALAMI UMAR DOGON DAJI (JUDGE)

SUIT NO: SS/56^c/2021

BETWEEN:

THE STATE.....COMPLAINANT

AND

MUHAMMED DAN MERI.....ACCUSED

COURT PROCEEDING

9/11/2021

UMAR ALIYU (PSC) Appear with **ZINATU HAMZA (PSC).....** For the State

S. OVIA APPEAN WITH I. OSAKWE AND V.E IKUTA.. Appear for the defendant.

Umar Aliyu- The defendant is before the court. He speaks and Hausa language. He is standing trial for the offence of culpable homicide punishable with death contrary to section 191 of the penal code. The matter is slated to today for mention. Specifically to take the plea of the defendant. May we humbly for the charge to be read to the defendant for him to take his plea. The defendant is on bail.

S. ovia- we are ready.

Court: The charge was read, interpreted and explained to the defendant in Hausa language and the pleaded not guilty to the said charge.

S. ovia. May we humble apply that pursuant to section 161 on the ACJL 2019 of Sokoto State and section 35 and 36 on the 1999 constitution, It's our humble application be admitted to bail and let him continue to remain on bail already guaranteed to him by this Hon court.

Umar Aliyu. In view of the plea on not guilty entered by the defendant we humbly apply for a date to enable us call our witnesses to prove our case. it is equally our humble application that a witness summons be served on our witnesses on the application just made on behalf of the defendant as ministers in the temple of justice we intend not to appeal the bail application.

Court: This matter is adjourned to the 8th day of Dec. 2021 for hearing witness summons to be served of the witnesses for the prosecution as they appear in the prove of evidence. The defendant who is already on bail to continue to remain on bail.

Signed
M. Umar
22/05/2022

Umar Aliyu for the prosecution

S. ovia. I appear with **E. Akam** and **C.B Sarkin Noma** for the defendant.

Umar Aliyu. The defendant is before the court. He speaks and understands Hausa language. He is standing trial for the offence of culpable homicide punishable with death contrary to section 191 of The Sokoto state penal code. The matter is adjourned to today for hearing. We intend to call a total number of 9 witnesses and out of which 3 are before the court. We are ready to proceed.

S. ovia. We are ready.

PW1 Sat Abdulazeez Bello

My name is Sat Abdulazeez Bello I live at Marina Police Barrack in Sokoto. I'm a Police officer presently I'm attached to S.I.B but before then I was with C.I.D office Sokoto as an I.P.O as police investigating officer we received complaint from the complainants we also record statements from both parties and witnesses. I know the defendant in the year of 2019 on the 29th of Sept, 2019 I was at homicide section of the state C.I.D office Sokoto when a case of criminal conspiracy causing hunt and culpable homicide was recorded to our section for investigation. The case was transferred from Dange Shuni Divisional headquarter on receipt of the case our team was detailed to investigate and I was assigned to record the statement of the suspect and that of the complainant. The other members of our team include inspector Danjuma Giwa, conponal

Waziri Mukhtar and DSP Musa Ibrahim Kamba. As I stated I was assigned to record the statement of the accused person and during the interview the defendant confessed to the commission of the alledged offence of culpable homicide punishable with death. Before recording his statement I asked him to call his counsel and any other person to be present and he said he doesn't have a lawyer and don't want anyone to be present during the recording of his statement. I first of all administered words of caution to him in Hausa language. I read the words of caution in Hausa language. He said he understood and signed the words of caution and I also counter signed as a recorder. The defendant narrated his story to and recorded it down in Hausa language. After that he signed the statement and I also counter signed. From there I took both the statement and the suspect to our superior officer Musa Ibrahim Kamba and in his presence I read the statement to the defendant to our hearing and the SPO asked the suspect whether it was his statement and the defendant confirmed that it was his statement. The officer endorsed the statement with red ink and he signed the endorsement and I also counter signed. I than translated the Hausa version of the statement to English language. If I see the said statement I will be able to identify it by my handwriting signature and date the statement was recorded.

Umar Aliyu: The witness having identified the statement of the defendant recorded in Hausa and the English version of same. I seek to tender same in evidence.

M.S S.ovia. We will be objecting to the admissibility of this document and we will furnish our reasons in our written address.

Court: The witness having identified the statement of the defendant made at the C.I.D Office Sokoto in Hausa language and the English translated version of same, same are hereby admitted in evidence despite the objection of the learned defence counsel to their admissibility reasons for which she will furnish her final written address.

The said statements are admitted in evidence and are to be marked as exhibit A and A1 respectively.

Signed
M. Umar
09/05/2022

CROSS EXAMINATION

I was detailed to investigate this matter that was transferred on the 29th of Sept, 2019. Before the 29th of Sept 2019 I have never heard about this case. All I did in respect of this case was to record the statement of the complainant and the defendant in this matter. My investigation did not stand and end with recording of the statement. I did not visit the hospital where the deceased died. We did not have a medical report pertaining the death of the deceased. We knew what caused the death of the deceased. All what I know was what I have told in this case. The defendant has no lawyer and no relative during the taking of his statement. We did not record any exhibit in this case. Exhibit A in the Hausa vision of the

statement of the defendant. The date on the endorsement is exhibits A in 20th Sept 2019.

RE: EXAMINATION! NIL

PW2 MALAM DOGO

My name is Malam Dogo. I live at Dange Shuni. I'm a harmed. I live at Bela Village of Dange Shuni L.G.A. I know the defendant in the dock. I know that he is here before the court because in the night on a Wednesday about 2 years ago. I was in my house when I heard commotion and I met my brother Abubakar he is now deceased. I met him and I saw some signs of beating on his head and I asked the people I met there what happened. They told me that my brother fought with some people. Those people told me that the defendant and one Umar Dan Manga and Abdullahi Abubakar were all involved in the fight. We reported the matter to civil defence office. They said we should wait till morning and in the morning the civil defence came with their vehicle and took the deceased to specialist hospital Sokoto. At the specialist immediately we placed the deceased in the hospital bed he died. From there the staff of the hospital asked us to put the deceased back to the vehicle and take him back to the civil defence office and the civil defence officers returned us to Dange Shuni Police Division. From there the Police Dange shuni directed us to bury the deceased. 2 days after the burial we went back to Dange Shuni Police Division and from there the matter was referred to the C.I.D office. At the C.I.D office we

were together with the father of the deceased and his brother. I gave my statement at the C.I.D office Sokoto.

CROSS EXAMINATION

I was told that it was the defendant that inflicted injuries on the deceased. I myself did not witness the incident. We did not take the deceased to the hospital till the next day.

RE: EXAMINATION! NIL

PW 3 Lawal Shehu

My name is Lawal Shehu I live at Bela Village Dange shuni Local Government. I'm a harmed. I know one Abubakar Auwalu. I know him, he is my biological Son. I know the defendant in this case. What I know in respect of this case I was not at home when the incident happened. The following day I was told that Abubakar came back from local wrestling and he was attacked by somebody. When I met Abubakar laying unconscious I called his name thrice but did not answer. From there the civil defence came and took him to the hospital and on arrival at the hospital he died. He was later brought back home and buried and we were in morning. At the State C.I.D office I was invited where my statement was recorded. At the state C.I.D I was told by CSP Musa Kamba that the defendant confessed to have killed the deceased.

CROSS EXAMINATION

I did not see the defendant inflict any injury on my son

RE: EXAMINATION NIL

Umar Aliyu. That is all we have for today. We will be seeking for another date to enable us call our remaining witnesses.

Court: The matter is adjourned to the 13th day of June 2022 for continuation of hearing witness summons to be served of the remaining witnesses for the prosecution. The defendant who is on bail to continue to remain on bail.

Signed
M. Umar
09/03/2022

16/01/2023

Umar Aliyu. (PSC) For the state

S. ovia. With **E.okam** we appear for the defendant.

Umar Aliyu. The defendant is before the court. He speaks and understands Hausa language. He is standing trial for the offence on culpable homicide punishable with death contrary to section 191 on the penal code. The matter is adjourned to today for continuation of hearing. Three witnesses have so far testified in this case. We are supposed to have two witnesses today but unfortunately they are not before the court. They once here but incidentally the court

could not sit. We made an application for them to be summoned when the case was slated to hearing. We don't know when they were served with the witness summon for today. They said witnesses are vital to our case. From the information we got from the registrar, we have learn that they said witnesses could not be traced and therefore in the circumstances we will have to apply for an adjournment.

Umar Aliyu: The last time the prosecution in this case had witness in court was on 9th of Mar, 2022 and since that date in all the adjournments sough the defence counsel gave the same excuse. This is a criminal matter where the defendant is standing trial for the offence punishable under the section 191 of the penal code. The defendant has always being present in all the adjournments made by this court. It has always being the same reason which that prosecution could not reach the witnesses. The registrar of the court told the court that it is difficult to trace these witnesses in any event if is the quantity and not the quality of the evidence that matters. We will therefore in this circumstance be opposing the application for adjournment. We further apply to this court for direction to the prosecution to do the needy and close their case today in the interest of justice. However if this court inclined to give another adjournment we apply that it be on record that this should be the last adjournment at the instance of the prosecution.

Court: This matter is adjournment the 13th day of February 2023 for continuation of hearing witness summons to be served on the

remaining witnesses for the defendant who is on bail to continue on bail.

Signed
M. Umar
16/01/2023

13/02/2023

Umar Aliyu (PSC) For the prosecution

S. ovia: I appear with **E Okam** for the defendant.

Umar Aliyu. The defendant is in court and speaks and understand Hausa language.

He is standing trial for the offence on culpable homicide punishable with death contrary to section 191 of the Sokoto State penal code. The matter is adjournment to today for continuation of hearing. The prosecution intends calling a total number of witnesses and 3 witnesses have so far testified in this matter and we have two additional witnesses who are available and ready to testify.

S. ovia: We are also very ready.

PW 5 ALIYU LAWALI

My name is Aliyu Lawali I live in Bela Village Dange Shuni LGA of Sokoto. I'm a business I used to sale carrot. I know the defendant in the dock. His name is Muhammad Dan Meri. What I know about this case is that on Wednesday we went to attend a local wrestling at Runjin Kwanduna very close to Lugu village. After we came back

from lugu around magrib time, while were coming back myself, Aliyu, Umar Dange, Abubakar Dan Shehu, the deceased the defendant called us and he said yesterday somebody said he is not a small boy and the deceased said yes indeed somebody said he is not a small boy and we were walking when the defendant pursued us and hit the deceased with a stick on the head and the deceased felt down and after he fell down the defendant also hit him again and we also attempted to hit me but i dodged the beating and from there i was frightened and ran away.

CROSS EXAMINATION

I'm not from the same village with the defendant. I'm from Bela village and the defendant is from Kusu village. I'm a business man, it is not every day that I go for my business. I don't have specific I used to go for the business whenever I feel like. I gave my statement to the Police regarding this matter. What I told the Police in my statement has no differences with what I told the court today. I told the Police that the defendant said somebody said he is not a small boy. I saw when the defendant beat the deceased I was standing and I was watching and it was around 5 to 6 PM. The defendant too was not alone. I don't know the names of those he was together with and they were many. It was the only defendant that hit the deceased person. I was also there to watch the wrestling match. The incident happened after we came back from the wrestling match. I left three of my friends and I ran away. I only left the deceased on the ground.

RE: EXAMINATION! NILL

PW 6 UMMA MANDE

My name is Umma Mande. I live at Bela village in Dange Shuni Local Govt of Sokoto State. I'm a harmed I know the defendant in this case. His name is Dan Mairi. What I know in respect of this case in that one day we were coming from a local wrestling at Runjin Kwandana. It was on a Wednesday. I was together with Aliyu the deceased and others. We were coming together when Dan Mairi, Umma Dan Manga and Abdullahi the defendant said to us who among us said he is not a boy and the deceased said he was the one who said so. After that the defendant hit the deceased person with a stick at the back on his head. The defendant beat the deceased and after the deceased felt down the defendant beat him again after he felt down with a stick at the back on his head. He then said to the deceased. Person that is you are not a boy you should get up and retaliate after that because we were not armed we ran away and Abdullahi who was together with the defendant chased me and he beat me with a stick on my forehead and threw stone at me and I felt down unconscious and later my forehead had to be stitched. The defendants were carrying sticks. The deceased Abubakar Lawali is dead. I was also taken to the hospital and was treated. That is all I know.

CROSS EXAMINATION

Myself: Aliyu and the deceased were coming back when the wrestling match. The defendant is company of others attacked us.

When I was hit with a stick I felt down unconscious and I was rush to the hospital. When I felt down unconscious I don't know what was happening. I left the deceased unconscious and after I was attacked I was also unconscious therefore i could not know when the deceased was taken to the hospital. The deceased die in my presence at the hospital. I think the deceased die the same day the indecent happened I gave my statement to the police and I told them exactly what I told in court.

S. ovia- The witness having identified his statement given at the state C.I.D office we apply to tender same in evidence.

Umar Aliyu- No objection.

Court. The witness having identified his statement recorded at the C.I.D office Sokoto same is hereby admitted in evidence and marked as exhibit B.

Signed
M. Umar
13/02/2023

CROSS EXAMINATION

It was not Abdullahi Jabbi that hit the deceased with a stick. It was the defendant that hit the deceased with a stick. It was said Abdullahi Jabbi that hit me with the stick.

RE: EXAMINATION NILL

Umar Aliyu- That is all we have for today and we intend to close our case. We hereby apply that the case of the prosecution be closed. We are dispensing with the remaining witness.

S. ovia- The defence intend to open its case. We apply for an adjournment to enable the defence open and close its case.

Court. This matter is adjournment to the 27th day of March 2023 for defence. The defendant who is on bail to continue to remain on bail.

Signed
M. Umar
13/02/2023

27/03/2023

Umar Aliyu (PSC) I appear for the prosecution.

Mrs S. ovia- I appear with **E.Okam** for the defendant.

Umar Aliyu- The defendant is in court and speaks Hausa language. He is standing trial for the offence on culpable homicide punishable with death contrary to section 191 of the penal code. The matter is adjournment to today for defence and we are ready.

S. ovia- The matter is for defence and we are ready. We intend to call only the defendant.

DW 1 Muhammadu Dan meri

My name is Muhammadu Dan meri I live at Kusu village in Dange Shuni LGA of Sokoto. I'm a harmed and blacksmith. I know why I'm

before this court today. I did not commit the offence alleged against me. I could remember that on the 25th Sept 2019. What I could remember is that on a Wednesday we went to a local wrestling and on our way coming from that local wrestling. Four of them including Aliyu, Umar Zayyanu and Abubakar on our side we are I Muhammad Dan meri, Abdullahi Jabbi and Umma Dan Manga on our way from the local wrestling we met them and we greet each other. After the greeting some of them were holding sticks and one of them was holding a machetes, Aliyu Lawali was the one holding the machete and he cut me on my head with the machetes and I felt down under a tree. After that all my friends and my attackers ran away and went home. After I regained consciousness i tracked home and I met Aliyu Lawali father in our family house tendering an apology as to what happened between us and it was decide that we forgive each other.

CROSS EXAMINATION

My name is Muhammadu Dan meri there was a local wrestling on the 25th of September 2019 and on that fateful day there was a fight that erupted between my friends and the other group. I also participate in the said fight. It was as a result of that night that one Abubakar Auwalu lost his live. I know the deceased Abubakar Auwalu. The deceased is from Bela village there was a brewing tension between the people of Kusu village and Bella village. I was cut with a machete in the cause of the said fight and I felt

unconscious. I was brought before the court on because i was at the hospital and all my friends ran away. I was arrested by the Police because after I regained consciousness and came home. I was lying down in the night and was in pain and i was told to be taken to the hospital and before taken to the hospital. Police were called and the police and my relatives took me to the hospital. I could not remember in my statement was recorded at the C.I.D Police. I could not state whether my statement was recorded or not. I could remember that was arraigned before chief magistrate court Kwannawa but I don't know the reasons why I was taken before that court.

RE:EXAMINATION:NILL

S. ovia- That is our sole witness and we apply to close the case for the defence. We therefore apply for leave on this Hon. Court to file our final written address.

Umar Aliyu- No objection.

Court- This is adjourned to the 8th day of May 2023 for adoption of final written address of counsel. The defendant to continue on bail.

Signed
M. Umar
13/02/2023

18/07/2023

Umar Aliyu (PSC) for the prosecution.

C.B Sarkin Noma- holding the brief of **S. ovie** for the defendant.

Umar Aliyu- The defendant is before the court. He speaks and understand hausa language. He is standing trial for the offence of culpable homicide punishable with death contrary to section (9) of the penal code. The matter is slated to today for adoption of written address and we are ready to proceed.

C.B. Sarkin Noma – We are equally ready.

C.B. Sarkin Noma- The defendant final written address is dated 19th day of April 2023 and filed on 20th day of April 2023. We adopt the said final address and legal arguments canvassed there in as our final address in this matter. We urge the court to discharge and acquit the defendant.

Umar Aliyu- The prosecutions final written address is dated and filed on the 11th of July 2023. We adopt same as our final argument in this matter we urged the court to sentence and convict the defendant as charged.

Court; This matter is adjourned to the 29th day of August 2023 for Judgment.

Signed
M. Umar
18/07/2023

SIGNED
HON. JUSTICE M. U. DOGON DAJI
(JUDGE)
18/07/2023

CERTIFIED TRUE COPY

FATIMA SA'IDU MOH'D
DIRECTOR LITIGATION
HIGH COURT OF JUSTICE,
SOKOTO.