

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE CRIMINAL JUDICIAL DIVISION  
HELD IN HIGH COURT NO. 14 AND ON THE 9<sup>TH</sup> DAY OF MAY, 2017.  
BEFORE HIS LORDSHIP, HON. JUSTICE U. P. OSEMEKE  
SUIT NO: FCT/HC/CR/79/2011

COURT OF FEE: JOSEPH BALAMU SHAIKI

BETWEEN

FEDERAL REPUBLIC OF NIGERIA ..... COMPLAINANT

AND

1. VICTOR ADINDU

2. EKENT FAYOSUNO ..... DEFENDANTS

3. HENRY OJUE

J U D G M E N T

The Charge against the Defendants is dated the 18<sup>th</sup> day of October, 2011 but filed on the 20<sup>th</sup>.

On the 27<sup>th</sup> day of May 2017, the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants were arraigned on a High Court Charge of conspiracy, armed robbery, intimidation etc.

The charge states as follows:

**1. COUNT ONE**

That you Victor Adindu, M - 28 years old of Calabarit District, Akwa Ibom State; Henristley M - 25 years old, of No. 1 Green Avenue, Mark II, Orange Road, Umuahia M - 25 years old of Calabarit Village, Airport Road, Akwa and two others now at large on the 4<sup>th</sup> May, 2010 at about 08:00 hours at Fardipa, Federal Capital Territory Abuja with the jurisdiction of this Court did unlawfully and feloniously with force and against the person committed an illegal act contrary to Section 20 of the Penal Code and punishable under section 99 of the same Code.

  
U. P. OSEMEKE  
JUDGE

SECRETARY GENERAL

**COUNT TWO**

That you Umar Abudu, 'M' 29 years old of Gaudin, District Area, State  
Bauchi, 'M' 28 years old, of No. 1 Ocean Avenue, Mopolu, Fregu, Porto Novo  
'M' 28 years old of Galdina Village, Airport Road, Abuja and two others name of  
large on the 4<sup>th</sup> May, 2010 at about 0800 hours at Gaudin, Federal Capital  
Territory, Abuja within the jurisdiction of the Court did unlawfully with the  
aidance with armed and dangerous weapons used with the intent of  
committing a crime punishable under Section 298 of the Penal Code and thereby  
committed an offence contrary to Section 298 of the Penal Code and punishable  
under Section 298 of the same Code.

**COUNT THREE**

That you Umar Abudu, 'M' 29 years old of Gaudin, District Area, State  
Bauchi, 'M' 28 years old, of No. 1 Ocean Avenue, Mopolu, Fregu, Porto Novo  
'M' 28 years old of Galdina Village, Airport Road, Abuja and two others name of  
large on the 4<sup>th</sup> May, 2010 at about 0800 hours at Gaudin, Federal Capital  
Territory Abuja within the jurisdiction of the Court unlawfully with the  
aidance with armed and dangerous weapons by hitting the underhand with  
the rifles and also throwing to hit him and thereby committed an offence  
punishable under Section 95 of the Penal Code and punishable under the same Code.

**COUNT FOUR**

That you Umar Abudu, 'M' 29 years old of Galdina Village, Airport Road, Abuja, Ebene  
Mabuchi, 'M' 28 years old, of No. 1 Ocean Avenue, Mopolu, Fregu, Porto Novo  
'M' 28 years old of Galdina Village, Airport Road, Abuja and two others name of  
large on the 4<sup>th</sup> May, 2010 at about 0800 hours at Gaudin, Federal Capital

  
MAGISTRATE  
FEDERAL CAPITAL TERRITORY

Terrance Abner within the jurisdiction of this Court did conspire and attempt to conspire to penetrate NSA staff by inserting yourselves as NSA officials to gain Patrick Skuba's confidence in Gwampu with a view to gaining information and materials thereby committed to him and thereby contrary to Section 56 of the Penal Code and punishable under the same laws.

#### COUNTNAMES

Ther 1904 Walter Adedoyi, 40<sup>th</sup> 38 years old of Gbedona, Owerri, Abia; Ebene Nwagwu, 44<sup>th</sup> 21 years old, of No. 1 Ocean Avenue, Npofor, Enugu; Harry Olorun, 37<sup>th</sup> 25 years old, of Gbedona - Abia; Alton, 34<sup>th</sup> 28 years old, and two persons now at large on the 4<sup>th</sup> May, 2000 in about 1990 years at Gwampu, Federal Capital Territory, Abia within the jurisdiction of this Court did conspire to conspire to 4054 officials with a view to gaining entrance into the house of one Patrick Skuba to get him and thereby commit an offence contrary to Section 56 of the Penal Code laws of the Federation 1992 and punishable under the same laws of the law.

The Charge was read to the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants, they understood same and pleaded **NOT GUILTY** to the Charge.

The Prosecution witness appeared before the 1<sup>st</sup> Defendant on the 22<sup>nd</sup> day of November, 2004.

The Prosecution called Bawa and called five witnesses in support thereof.

The 1<sup>st</sup> Prosecution witness is one Paulus K. Bawa, he lives in Gwampu, Federal Capital Territory holding materials. He showed the 1<sup>st</sup> and 2<sup>nd</sup> Defendants. They on 4/5/2004, he was in his house around 11pm taking his bath when he heard a knock.

*(Handwritten signature and date)*  
2004-11-22

He opened the door and saw the 1<sup>st</sup> and 2<sup>nd</sup> Defendants, two other persons called Leonard and another person with a H2FA file. They said they are MIRA Chikabli that they want to inspect his car. He said they need a copy of the car MIRA file. He told them that his brother who kept those cars had gone to the police. Then he told them to come back one week day but they refused. On the 2<sup>nd</sup> Defendant asked if they were in court and he said yes. They asked for the person doing the court watching and he said it was a lady but that they have gone to court. They asked her to call his brother on a cell and say he was going to bring her phone. The 1<sup>st</sup> Defendant asked his business name. They said and when he turned, he put a gun on his head saying he had used hearing of him and that that was the end of his life. The other called Hassan showed a jacket and brought other instruments like vest, gun, knife, and other things. He asked the one called Hassan a question and he said the number of his. He did his name and said. Then they asked them for jobs. When he asked, they said they had cash and would give. When he asked them how much they said he could not pay them. They took out a folder for money that he said was their money. They were a table around the table and they wanted to bring money.

On the way to the main gate he saw all the 1<sup>st</sup> Defendant and was in a person. He was sitting in a car. He ran from the street. He said he showed him that all his neighbors helped him to grab the 1<sup>st</sup> Defendant who was a man. Hassan could hear his feet.

People gathered. They started saying that he was a man and said he was not that the car who see them. The police started to come and the 1<sup>st</sup> Defendant came to his house and contacted the police and gave things. They were taken to the hospital for treatment. The 1<sup>st</sup> Defendant was also treated. They were photographed. The 1<sup>st</sup> Defendant was MIRA Chikabli with some other people.

2025-01-15 10:00 AM

That the Defendant took his phone. He made statement to the Police and went back home. The 1<sup>st</sup> Defendant was arrested in New Zealand. The case was subsequently transferred to the C.C.

Under cross-examination, he said he cannot remember the exact date when witness first reached them and because of a storm. That is, saw gun, matches and hammer and he went to help in fighting them.

In another statement, he said they scattered him with matches and said they are finished. They came to hit him. In another statement, he stated that he was going to over power them by the grace of God.

The 2<sup>nd</sup> Defendant on 26/05/2010, received a letter from Glasgow addressed to B. Taylor, 1011, 012, SA75. He said on the 2<sup>nd</sup> day of May, 2010 at about 11:00 hours, he was told that a member of his team at Special Police Laboratory found a case of Criminal Conspiracy and Armed Robbery was transferred from Glasgow. He also got three suspects, connected with a robbery, a hammer, a steel pipe, rope, a log, gun, plastic bag, white jacket and two shirts.

He took them to Scotland and Exhibited to the Investigation Team. He explained the three suspects in English language and asked if they can write by themselves. The 1<sup>st</sup> Defendant said he cannot write and he instructed Detective for signature. A member of the team is record his statement with 1<sup>st</sup> and 2<sup>nd</sup> Defendants with their statements. He took them to the police, Exeter and registered them at which he 750000. He visited the house of the Victims, Chockman, with his team when a case was opened. They being arrested on 08/05/10 at about 2000 hours. He is aware that the Chockman was robbed. He also observed that the items for Chockman were arrested at the scene of crime.

2010-11-17  
11/11/10

Under Cross-examination, he testified that he discovered during investigation that the incident took place around 4:30 p.m. on 4/25/12. That he visited the scene on 5/22/12 at about 2:30 p.m. That he took the statement of the Defendant on the 5/22/12 but cannot remember the date.

The 1<sup>st</sup> Defendant, Vincento Hegron Ubalde is a Police Officer attached to PCT Police Command but working in State CID but posted to Special Unit. Korbey stated he sees the 1<sup>st</sup> and 2<sup>nd</sup> Defendants. He does not know the 3<sup>rd</sup> Defendant. He told three Defendants were brought to him but the 2<sup>nd</sup> Defendant in the dock was not the 1<sup>st</sup> Defendant brought to him. That on 5/22/12 at about 18:30 hours he was on duty in the office with members of the room under the leadership of Inspector Victor Quigley when a case of criminal conspiracy and Armed Robbery was transferred to the office. His room was called for direct investigation. That the suspects were brought with some exhibits such as two big knives, rubber a toy pistol, money and a change that with an abstracted suspect as an add. IT to suspects, with response. He was directed by the team leader with others to guide the suspects in recording their statements. He recorded the statement of the 1<sup>st</sup> Defendant with other members present the two young boys Defendants. He saw and the 1<sup>st</sup> Defendant. He told he could not see the other two boys to him. As much as customary work he was interrupted and served.

He continued to work with the Charge, he recorded the statement. He read it to him and he said he understands, 1<sup>st</sup> Defendant signed and he accompanied. The statement was given to the state office. The statement is Exhibit A. He took the suspect before the room judge. He argued that he took the statement. It was then they discovered the offence was committed on 4/25/12. That the 1<sup>st</sup> Defendant was caught in the act. They stated the state of crime to determine the

201-0-124  
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extent of damages in the victim's house. They visited the victim in the hospital because he was hospitalized.

They saw the place where the accused displayed their weapons. He saw blood stains. The victim was cut on the head on the middle. He sustained grievous injury. The 1<sup>st</sup> Defendant took them to his house where they continued a search. They found a blue rope suspected to be part of the rope used in committing the crime. The group took them to the house of their leader Prinsell but he ran away. They found one mattress. Every other thing was removed. When they came back, the 1<sup>st</sup> Defendant was injured and his signature was recorded.

John Cross-examination, he said the 1<sup>st</sup> Defendant said he was a fine doctor. That was 1<sup>st</sup> Defendant who cut the neck in the prison and where they displayed their weapons for operation. That the rope was discovered in the course of searching the 2<sup>nd</sup> Defendant's residence.

In another question, he answered that it was enough the statement of the 2<sup>nd</sup> Defendant that they discovered that he was caught in the act by neighbours to the victim and himself.

The rope was transferred to their office. Exhibited together with the Defendant. That when it was examined, they discovered the same kind of rope in the house of the 2<sup>nd</sup> Defendant. He did not force 1<sup>st</sup> Defendant to sign the statement. He was present for the entire one and he signed.

The 4<sup>th</sup> Prosecution Witness is Corporal Cambo Nkomo. He is a Police Officer attached to Special Anti Robbery Squad PCT, Abuja. He is an Ex-Officer. He has

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been in custody between 2.50pm - He was released on 12/02/2012 to prison care.

Facilities - He has done Feb Nov 2 - 88 which are:

1. Top Room
2. 1 Room 2nd
3. Learning
4. 1 Cellmate
5. 4 Hymn
6. International Passport bearing Full Criminal
7. One Cheque Book
8. French of Line Book
9. 300 mg alcohol - 1 day 1 liquid

That having seen the said exhibits with a view to, with a view of producing them when needed. That he did not require anything.

Under Cross-examination, he answered as follows:

That his functions include the signature of facilities.

That he joined the Force in 2005. That there are many others, he does not know who are doing, that was not for any purpose.

The 2<sup>nd</sup> Prosecution Witness, a Inspector Henry Griffiths of the Police Force attached to the Directorate of Criminal Investigation, the Police Community Liaison Squad Anti-Robbery Squad. He was investigating Daniel O'Brien. He confirmed that the investigations of any criminal were assigned to him, were for duty at Queen's Park Station.

On 07/02/16, he was on duty at Queen's Park Station when the O'Brien was called a distress call. He was mobilised with the others with the same. At the scene of crime they



met the victim Mr. Patrick Mook of 41-502<sup>nd</sup> Avenue, Sycamore. The driver told her that there was a robbery in the area address. The victim was in the pool of his truck. Upon inquiry and response by the DSO, he recalled how he received a knock at the gate. He tried to find out who they were. They identified themselves as KHPA Officers. When he opened the gate, he was surprised to see the young man with the 1<sup>st</sup> Defendant pointing a gun at him. They they have been paid to rob him. When he asked they said they would pay them. The 2<sup>nd</sup> Defendant, showed a pocket watch on his forehead, he managed to scuffle with them and escaped. In the process four other victims. Attacks made by the 1<sup>st</sup> Defendant. It should say involved by these items. This and pool of blood in the Complainant's truck and recovered a phone, however, a sex role was seen of it a hair was an jacket by the complainant a T-shirt supported to injuries. Also in the bag was a pair and a coat. All the above items the Complainant and 2<sup>nd</sup> Defendant, were taken to the station. At the station, the Complainant was complaining for pain while 1<sup>st</sup> Defendant, was gaping for help. They were taken to the hospital where 10 of them were treated and returned back to station. The Complainant's statement was obtained voluntarily while the statement of 1<sup>st</sup> Defendant, was recorded under caution.

On the same day, more information received, they were led by the DSO to GARDNER Village where two other vehicles were arrested while one started through the vehicle. Available in the night.

Upon interrogation, they admitted committing the offence. They were equally identified by the Complainant as those who came to attack him last evening. The case was referred to SRS for further investigation. That the vehicle was brought by the Defendants in a green bag. The only SRS that can investigate robbery by Police regulation. He recorded the statements of the three Defendants. The 1<sup>st</sup>

24-5-2024  
A. K. S. S. S. S.  
24-5-2024

Officer Calabrese asked Hertz to see the files. The other Calabrese also asked Hertz to see the 1<sup>st</sup> Defendant's statement & Exhibit 2. The statement of the 1<sup>st</sup> Defendant is admitted and marked Exhibit D (for Defendant) 101.

Officer Calabrese said that after Hertz said that a file for Exhibit 2 was provided at the scene which was attached to the vehicle. It was not found in the vehicle, it was possibly while they were stopping. Exhibit H is marked as some materials, materials. The exhibit also has the 101 on it.

Under Cross-examination, he still is concerned that the documents that the district did come about 9 am. The items were returned. The Hispanic Group member was standing behind the car the compound. That he had the 1<sup>st</sup> Defendant call down by name who came to assist the Hispanic Group member.

On a question, it is answered that he witnessed a uniformed officer in uniform a uniformed officer proceeding to be NFP's staff. He identified the officers, he does not know the names. He asked questions, they answered and he was questioning. The 1<sup>st</sup> Defendant told him when he was arrested but he was in a room when the incident happened. He only knows the primary assignment. They did not do anything about it, it was just in a robbery case. They do not know the circumstances. The 1<sup>st</sup> Defendant was arrested tonight.

The witness said that he did not know if there was a case of breach of trust. The object is the case of the Protection.

Officer Calabrese opened and asked two questions. The 1<sup>st</sup> Defendant's witness is the 1<sup>st</sup> Defendant himself. He is a friend, Victor Calabrese, the name. That he was in a building near the police station to the police station, in the area. He is a building.

*[Handwritten signature]*  
2018-01-10

construction and Public Development. He was in the Dynamic Construction Company at No. 1, Calle, Guapohe Borer & Borer Carrera 14th, Independencia, Libertad, Trujillo. It was also in Tedrabel's Construction Company at No. 15, Calle, Guapo Street, Guaya. That he was in charge of the construction of the school owned by Tedrabel's. That he found himself in a Block industry of the Ferrite. That he had known him for a long while when they were rising out of the Block. That they were going with LFC together. He was working while he was doing the construction. He told him about someone he knew and who brought him to work. That they attended the same secondary school. That his name was Prince. That he gave him \$200,000 instead of \$1.5 million. That he established the Block industry with the \$200,000.

On the 4/10/10, he was in the bathroom together. He phone ring. His younger sister who he asked to check with Liza. He asked if and he said yes was of his was in the house. He told him to make a telephone call to Guayaquil. In order of his car not to see the Director was giving him a problem. He called him with the car who was waiting his trucks. He named a boss. He dropped them at Guaymas Guapohe LDB, Guaya. He was holding his car when Police came after it. That was the first time he was seeing Prince, Prince's Master. They asked if he was the one who dropped Prince with his bag and he told yes. He was then arrested. The older brother of Prince came with. They started asking him. They released him from their hands. He was taken to the Police Station and later moved to the Hospital. He did not get himself when they came back to the Police Station. He only explained how he knew Prince.

That 2<sup>nd</sup> Defendant supplied him money which he used in his boutique. That on that day he was in balance the 2<sup>nd</sup> Defendant \$15,000. He was telling that he did not need access to him. He did not know Prince had started tracking him through the

2015-15  
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phone that 2<sup>nd</sup> Defendant was in business. They started taking him. The second day they brought 2<sup>nd</sup> Defendant. They said his name is Mark Humber. They beat him up. They tore his shirt apart and tore up his pants. They even beat him to his knees. They took almost Carpenter's Hammer, nails and shavings. He's not a robber or a criminal. He was about going to live when he was arrested. They think well it's a good friend. He encouraged him in his Motor Treatment business. They did not know well and they beat up Patrick. That is, does not mean Henry White.

Under Cross-examination, the witness answered as follows:

That he has not heard of Mr. Wainwright. He does not know 12<sup>th</sup> Defendant was involved in Patrick's house. That 2<sup>nd</sup> Defendant was told him he served Patrick and that he did not say him in his own words.

In another question he answered that Penwell did not tell him if he went to arrest Patrick. He only encouraged him to work on with his life. That he was arrested in his car about 12:30 minutes from where he dropped Penwell.

In another question, he answered that he drove to Gwinning to see Penwell but that he did not see him it was someone nearby. He was not aware that people robbed or Patrick's house. Penwell talked about robbery at the initial stage. That it was after 20 minutes that the matter changed. He saw a pool in Patrick's body. He does not belong to any group. He did not give him. He did not write the statement attributed to him. He said that he was an engineer and that got it down. That was not the statement they were. He also explained that he is an engineer in SPS. He also told him the place he worked. He answered that he made the statements. That he signed the statement.

  
HENRY WHITE  
12-11-17  
MAY 17 2018  
COURT REPORTER  
COURT REPORTER

To another question, he answered that Patrick's friend told Patrick that he should not answer that he was seeing himself. That the statement was taken in Exariga because he took it into his hand. He stated that was also taken in 5835 because he took it into his hand. He never pointed to him as a study or never his name. The case was concluded a few before the second hearing.

He told him of the Station. He took him into No Roads, interesting and amazing one. That what was taken was given to him to see. That nothing was found in Patrick's house. That he did not speak Patrick's name. He did not tell him he had 5835. He did not force him to sign the 4<sup>th</sup> Statement under number 1<sup>st</sup> and 2<sup>nd</sup>.

The statement at 5835 was signed under torture. That some contents of the statement were true while some were not true. The 2<sup>nd</sup> National Witness told Kefauver some. He is a student of George State University of Science and Technology. He was in 500 level of Civil Engineering. He was also a graduate of National Open University studying Computer Science. That he was arrested on 4/30/70 in Colombia. He was in the house of the 1<sup>st</sup> Defendant who was his business partner. Him and his things are being sponsored by his uncle. That he supplied the 1<sup>st</sup> Defendant with high class product because he has a business in front of his house. That was the 4<sup>th</sup> time he was representing him. Payment was after arrest. The 1<sup>st</sup> Defendant was paying him \$60,000 which he was supposed to pay. He took James' money and he asked him to install some in his place. He went to his house and waited till paid & then the money was put into a bag with a bag containing 24 pieces of \$200 bills. He went to the Washington Park Station. That 1<sup>st</sup> Defendant was in the car too. That he had brother of over 10 years. That the national Commission did it. It was not among the people but came to his door.

  
JAMES

That he was informed by the Police before his statement was taken. That he told the Fire Department. That he is a student in Otago State University of Science & Technology. His ID card is Exhibit C. That he is also running a program with the Open University. The brief of provisional statement with a document containing the list of registered courses is Exhibit D & E. That he advised inquisitors of how some cars in the Court which he was in when he was being held in a Court statement even that of the Agent.

Agent then questioned him the above of that of the Court. That he was arrested on 4/28/11. That he was arrested in P<sup>th</sup> Defendant's home. That he knew that Grayson brought Police to P<sup>th</sup> Defendant's home where he was arrested. That he was arrested in P<sup>th</sup> Defendant's home and he saw Grayson in the car. That he saw Patrick (last name) for the first time at 2:30 pm. Police Station. To a question, he said he did not know him but he is a student. Grayson was one of the courses who came to visit him. That he was arrested for what he does not know. That he does not know anything about the injury on the head of P<sup>th</sup> Defendant.

To another question, he answered that he saw the injury on the head of P<sup>th</sup> Defendant. That he is not part of the people who gave him the injury. He saw P<sup>th</sup> Defendant. That he never spoke to Defendant. That he told his Statement at SAIS. That the information he gave to the Police was not needed. That he signed anything they told him to sign. That he did not sign voluntarily. In the morning of the incident, he was not in Alaga. He was arrested in the night. That he never had to Cedars. That he does not know P<sup>th</sup> Defendant. That he was not arrested in his house. That Exhibit C does not belong to him.

Agent was ordered to file Defendant's Address - The Defendant's Written Address is dated and filed on the 12/23/11 while the Defendant's Written Address is dated

2011  
12/23/11

and filed on the 12/22/17 form. Council to review, accept their Final Written  
Comments.

I have read the Review and considered the written Admissions of Guilt. The  
Board's Chair noted the basis for determination in the Review Report  
which can be substantiated and addressed in the Presentation which was filed by  
the Defense on June 15. The issue for determination therefore is whether the  
Prosecutor has proved its case beyond reasonable doubt on finding of the  
circumstances of the case. The evidence for each the Defendants were analyzed as  
repeated in the complete record which is being arranged, ready and  
impendent on.

The Council will review the 40, throughout upon the Prosecution to establish the  
guilt of the Defendant which is made double by virtue of Section 215 of the  
Criminal Act 2011.

SEE **SHUFFLE VS. STATE (2000) 23 RIVER (PT. 15) 221 20.**

**ANDRAGON VS. THE STATE (2000) 1 50 (PT. 1) 21 23 & 25.**

**DAVING VS. STATE (1999) 6 RIVER (PT. 277) 214.**

The laws require Prosecution to be a reasonable doubt.

**SHUFFLE VS. STATE (2000) 23 RIVER (PT. 204) 214.**

By Section 21 of the Criminal Code, when two or more persons agree to do or cause to  
be done:

- (a) an illegal act;
- (b) an act which is not illegal; they shall be



2/2/18  
F. J. H. H. H. H.  
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Such an agreement is called a written contract. In the instant case, the Defendant and the Plaintiff stipulates that the written contract is the following: The signed and dated offer of company purchase order No. 02 of the Bank Code are as follows:

- (i) An agreement between two or more persons to do or cause to be done some legal act or some act which is enforceable by law.
- (ii) Where the agreement is other than an agreement to transfer an office, then some act done and agreement was made by one or more of the parties in furtherance of the agreement.
- (iii) That each of the Defendant's conduct is not against the company.

ANONYM VS. PWA (2000) 4 NWJ 9 (27, 28) 281

ANONYM VS. STATE (2000) 10 NWJ 9 (27, 28) 282

The court has introduced the evidence of the two Plaintiff witnesses. They have introduced an agreement to not as charged and Exhibit A and C are copies of the 1<sup>st</sup> Defendant's letter. It is the substance of the 1<sup>st</sup> Defendant's letter that on page 3, the 1<sup>st</sup> Defendant states that they agreed together to receive the balance of Federal's money which they propose to receive through an account from the Corp. bank. That in the process one of the boys might come material and run the Corp. bank. Exhibit A, the substance of the 1<sup>st</sup> Defendant's letter on page 4 is also copied with the agreement reached by the Defendants and other relevant facts. The substance of the 1<sup>st</sup> Defendant's letter on page 2 is also a narrative of how they all agreed to go to the bank of the AG to receive the amount outstanding balance of Federal's money. The above process

  
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evidence that has differed from the oral evidence of the 1<sup>st</sup> and 2<sup>nd</sup> Calendars in that respect.

Conspiracy is a matter of inference from the acts of the parties. There was a decided attempt to make some factual acts unlawful which is not illegal by legal means. However, Court 1 of the Charge states that the Defendants did various things that seem to not constitute a crime committed or that they committed an illegal act. It is the duty of the Prosecution to prove every legal element of the crime.

In the instant case there is no intent of evidence by the Prosecution to establish the declarations of the witnesses to the effect that the agreement was to use the PMS.

In the instant case the Prosecution failed to prove the offence of conspiracy to use the PMS beyond a reasonable doubt in this case.

The 2<sup>nd</sup> Court 1<sup>st</sup> Court system. The 2<sup>nd</sup> Court 1<sup>st</sup> Court system that I can prove the offence of others contrary to Section 298 of the Penal Code. The Defendants Counsel on the other hand claimed that the 2<sup>nd</sup> defendant ran up a PMS that he was not a subject at the time the offence was alleged to have been committed. That being the case, the 2<sup>nd</sup> defendant is not a subject at the time. The PMS in this evidence under cross examination stated that the 2<sup>nd</sup> Calendar had been used before, and that it was a calendar with the incident registered.

On a further question of evidence that the defendant's testimony was not the primary evidence. Thus, they did not do anything about the defendant's testimony. They did not do anything about the defendant's testimony. They did not do anything about the defendant's testimony. They did not do anything about the defendant's testimony.

involvement. It needs also that the Defendant was someone other than what the Prosecution alleged that he was at the time of the commission of the offence. The evidence of PWA however is that the 2<sup>nd</sup> Defendant was one of the persons who received the money from the bank. In the circumstances the evidence by the 2<sup>nd</sup> Defendant that he was present at the material time the offence was committed is supported by the circumstantial evidence of the bank being able to the fact that it was not known who committed the offence.

The PWA in his testimony stated he knows the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants. He stated that he heard a knock and opened his door. That he saw 2<sup>nd</sup> and 3<sup>rd</sup> Defendants and one of them with arms held to his chest.

See SURINCHAND VS. STATE (2006) 72 Cr. 1009, 1025 SC.

The 2<sup>nd</sup> Defendant stated he was at Bank, but did not offer evidence as to what he saw at the material time.

See AFRANA VS. STATE (1999) 3 WWR 101, 109 SC.

MAJUMDAR VS. STATE (1955) 11 Cr. 1009 SC.

It is the view of the court that the role of the 2<sup>nd</sup> Defendant was adequately described.

The court is of the view that the facts are as follows:

- (1) That there was armed robbery.
- (2) The Defendant was armed.
- (3) That the Defendant was with the arms participants in the robbery.



Once the Prosecutor proved the case against the defendant beyond a reasonable doubt, even without considering the sentence, the charge is proven to be proved.

See *CLAYTON VS. STATE* (2007) 2 ALBUQ (PT. 1000) P. 504.

*PROS. VS. A.C. BONDIE STATE* (1989) 2 ALBUQ (PT. 100) P. 507.

The FBI is the one who is most in the middle. The charge is that the defendant is a "robber" on the 27th day of May, 2010 in the area of the county of the State of New Mexico. The defendant is a male who is armed with dangerous weapons, such as a gun, pistol, dagger, containing liquid substance suspected to be an acid.

From the evidence of the FBI, the defendant is a male who is alleged to be a "robber" on the 27th day of May, 2010 in the area of the county of the State of New Mexico. There was a dispute between the defendant and the "robber". They asked me to call my brother on phone. Then if I don't know what, I should see their phone. I went home to bring my phone. He used his machine on me. He cut my hand and hand. He said they were not there for you. I asked them how they and they have been used to ask me. I asked them how many, they said I should pay them out. He said I should turn my house upside down.

Throughout the course of the prosecution, there is no evidence of robbery. The FBI in its evidence did not say any of the evidence was taken by the defendant inside the county. The evidence of the FBI is that the defendant is a "robber" and is a "robber". He also discovered that the defendant was arrested at the same time as the defendant with the officers of other witnesses including the FBI. He also said the robbery took place around 8:00 PM. He said that he was not the defendant who the FBI was talking to.

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The PWS 1984 and PWS 1985 are all policemen. They are not eye witnesses. They merely relayed what PWS 1984 and 1985 said and what they saw and what they heard.

The law is that the man against the defendant must be proved beyond reasonable doubt. Any doubt in the favour of the defendant must be resolved in favour of the defendant.

See *ANDREWS VS. STATE* (1886) 7 MICH (11), 400 102.

*OWEN VS. STATE* (1902) 5 MICH (11), 560 123.

In the circumstances of this case, I find that I am bound to find that the defendant is guilty, to all intents and effects, of the offence of

murder.

"Whoever attempts to commit an offence punishable with imprisonment or to cause such an offence to be committed and in such attempt does any act which amounts to the commission of the offence shall where no express provision is made by the Penal Code or by any Act or law for the punishment of such attempt be punished with imprisonment for one half of the longest term provided for such offence or with fine."

The evidence of the PWS is that when the defendant entered his apartment, proceeding to be NFA, off-duty, the defendant called his friend by the name "Young Bill" who was the owner of the apartment. He heard the voice of the man but taking off his hat, and was the end of his life. The one of the female dropped back for a moment but other people in the apartment, including the other and rope. They also asked the now called "Bill" who used the words "Bill" on him. He said his hand and head. They told they were not there for a job. When he asked them why, they said they had been paid to do it. When he asked them how much they said he cannot see the

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2014

the effect that it was one of the boys of Edmore I who did the P.M.I. See Exhibits A, and C. Whereas Exhibit D the Statement of the 3<sup>rd</sup> Defendant is to the effect that he used matches on him. He said he was not the only person who bore him. That all of them bore the P.M.I. That the earlier bearing was a slap.

As a stated earlier in the judgment. The Lawyer, solicited agreement of 30 women. They are all women in which P.M.I. illegal by illegal means. He is liable for causing anyone of them to be child to reveal their name was not true.

It is now settled that a man who is causing a girl to work in the street in order of a crime is liable even though he would prefer that the crime is not committed. All the Defendants and others participated in the crime. Where more than one person is liable the crime is viewed as joint commission or a crime. It is enough to prove that they all participated in the crime. What each did in furtherance of the commission of the crime is immaterial. The mere fact of the commission itself manifesting in the execution of the common object is enough to make each of the Defendants in the group guilty of the offence.

SEE *AKRAMWOMOLA VS. STATE* (2003) 14 NWLR (PT. 100) 665 SC.

*OHAKWIRE VS. STATE* (2001) 15 NWLR (PT. 106) 157 SC.

*INWSON VS. STATE* (1989) 2 NWLR (PT. 10) 455 SC.

It is my humble view that it is reasonable to hold the state of mind of the P.M.I. The P and 3<sup>rd</sup> Defendants are jointly participated in the illegal act. Where common intention is established as in this case, a material act (though given by one of the parties) does not in the eyes of the law to have been given by all those parties who participated. The person who actually bore the P.M.I. with the matches was not the one, as held by which all are absolute.

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ALBERT PA  
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THE PEOPLE OF THE STATE (US86) v. MORA (PT. 122) 2025 SC  
ALABAMA STATE (0001) v. MORA (PT. 265) 76 SC

There is no evidence independent of a person's own admission or confession. Such a confession is admissible in evidence. The evidence of PWS corroborates the admission or confession of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants in Exhibits A, C and D. They are direct and positive. I have examined the above Exhibits in the light of the evidence of PWS.

See *SOLOMON vs. STATE* (2005) 13 MORA (PT. 037) 45 SC  
*MORAN vs. STATE* (2005) 2 MORA (PT. 428) 13 SC

The evidence that can be deduced from the evidence before the Court is not to all the PWS, even though the PWS said they told him that they were fired as different interest from the Court and statements to a the check that it was used to transfer money and introduce him to do it or holding.

In the instant case, given the consideration of all the circumstances, the Court is which is subject to all the evidence, a need has and no so to be found, and that had. However, there is abundant evidence that the PWS was in contact on the bus and hand. The manner was revealed in evidence. The blood stain of the fact was found in the apartment shortly after the incident when the PWS visited the scene of crime. The Corroborated Statements of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants Exhibits A, C and D are also direct and positive in this regard. Even though the Prosecution failed to use the Court a need to hazard, the evidence is that the PWS was in the area of the Court as a result of the fact that it was in him by the Defendants and their actions.

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In the circumstances of this case and based on the evidence before the Court, I find that the Prosecution has proved the offence of assaulting a constable by the PWJ by the 1<sup>st</sup> and 2<sup>nd</sup> Defendants and is reasonable doubt, consequently find the 1<sup>st</sup> and 2<sup>nd</sup> Defendants guilty of the offence contrary to Section 212 of the Penal Code.

The 4<sup>th</sup> Defendant is a Director of company incorporated under the laws of the Republic of Kenya called the defendant and that in the said induced those who formed the defendant which was incorporated the 1<sup>st</sup> and 2<sup>nd</sup> Defendants. They also acted for the defendant. That they were having a meeting. The Confessions Statement of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants was corroborated by the above evidence. The 1<sup>st</sup> Defendant by his statement was truthful while the 2<sup>nd</sup> Defendant's evidence was false. I believe the purpose of the defendant is to raise money and build the defendant. The 4<sup>th</sup> Defendant in my view has not proved the offence of conspiracy to incorporate the defendant and the defendant is not proved beyond reasonable doubt.

In my view Court find that the 1<sup>st</sup> and 2<sup>nd</sup> Defendants are not properly charged and therefore cannot stand for trial. I find in my view that the 1<sup>st</sup> and 2<sup>nd</sup> Defendants are not charged with the offence.

I have gone through Court file. The 1<sup>st</sup> and 2<sup>nd</sup> Defendants cannot implicate themselves. The Court is satisfied contrary to Section 212 of the Penal Code which states that whoever causes by intimidation that he be punished with imprisonment for a term which may extend to five years or with a fine or with both. The Prosecution should give any evidence of cheating throughout the trial.

It is my humble view that the Prosecution also fails to prove Court has beyond reasonable doubt. For the sake of order given the 1<sup>st</sup> and 2<sup>nd</sup> Defendants are

ALLEN J.S.K.

It is my further view that the procedure also fails to cover (b)(1) (b) beyond reasonable doubt. For the test of "beyond doubt" the 1<sup>st</sup> and 2<sup>nd</sup> parts must be satisfied and applied to both (1) and (2) of the said (b)(1) (b) part. It is also clear that the test of "beyond doubt" is not satisfied by the 1<sup>st</sup> and 2<sup>nd</sup> parts of (b)(1) (b) of the said (b)(1) (b) part. The 1<sup>st</sup> and 2<sup>nd</sup> parts of (b)(1) (b) of the said (b)(1) (b) part are accordingly rejected.

*(Signature)*  
[Illegible text]

HAN JUSTICE U.P. KENDRERO

CHIEF JUSTICE

10/10/19

*(Signature)*  
[Illegible text]  
SENATOR ANTONIO



**IN THE HIGH COURT OF THE PEOPLES REPUBLIC OF SOMALIA  
IN THE ADAM JUDICIAL REGION  
OFFICE OF HIGH COURT NO. 24/2020**

**APPLICANT: JOSEPH DA LAWE ISHAKI  
VS  
RESPONDENTS: THE REPUBLIC OF SOMALIA  
ALYAN**

APPLICANT: JOSEPH DA LAWE ISHAKI

DATE: 10/15/2020

BETWEEN:

THE REPUBLIC OF SOMALIA ..... (CONTRAIKANT)

AND

1. VICTOR ADENU

2. THE REPUBLIC OF SOMALIA ..... DEFENDANTS

3. ALYAN


**DECISION**

I have read the pleadings and the evidence in this matter, and find in favour of the applicant, the facts are as follows:

That the applicant is the sole proprietor of the company known as ALYAN and that the respondent is the owner of the company known as VICTOR ADENU. The applicant has been in business since 2010 and the respondent has been in business since 2015. The applicant has been in business since 2010 and the respondent has been in business since 2015.

That the applicant has been in business since 2010 and the respondent has been in business since 2015. The applicant has been in business since 2010 and the respondent has been in business since 2015.

That the applicant and the respondent have been in business since 2010 and 2015 respectively. The applicant has been in business since 2010 and the respondent has been in business since 2015.

  
JOSEPH DA LAWE ISHAKI  
Sole Proprietor  
ALYAN

  
VICTOR ADENU  
Sole Proprietor  
VICTOR ADENU

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ORIGIN JUDICIAL DIVISION  
HOLDEN AT HIGH COURT HQ, 11/120 OF THE 1<sup>ST</sup> DAY OF MAY 2013  
BEFORE HIS HONOUR JUDGE JUSTICE H. J. BRYANT  
CIVIL SUIT NO. 100/13/0000**

**COURT CLERK JOSEPH BALAWI DHAKU**

**BE TWEEN**

**FEDERAL REPUBLIC OF BURUNDI ..... DEFENDANT 1  
AND**

**1. VICTOR ADINGA**

**2. BENE RWORORO ..... DEFENDANTS**

**3. HERI GASHI**

**APPEARANCE FOR**

**THE FEDERAL REPUBLIC OF BURUNDI**

**BY APPEARANCE OF**

**NAME**

**HERI GASHI**

**0-0000**

