**THE STATE**

**V.**

**ALI AHMED**

IN THE SUPREME COURT OF NIGERIA

ON FRIDAY, THE 24TH DAY OF JANUARY, 2020

SC.511/2016

**LEX (2020) - SC.511/2016**

**OTHER CITATIONS**

3PLR/2020/44 (SC)

(2020) LPELR-49497(SC)

**BEFORE THEIR LORDSHIPS**

OLUKAYODE ARIWOOLA, JSC

KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN, JSC

AMINA ADAMU AUGIE, JSC

PAUL ADAMU GALUMJE, JSC

UWANI MUSA ABBA AJI, JSC

**BETWEEN**

THE STATE - Appellant(s)

AND

ALI AHMED - Respondent(s)

**ORIGINATING COURT(S)**

1. COURT OF APPEAL [ABUJA DIVISION]

2. HIGH COURT OF NIGER STATE

**REPRESENTATION**

OMAR MUSA, ESQ. WITH HIM, MUNIR YAKUBU, ESQ. - For Appellant

AND

AKIN ADEWALE, ESQ. WITH HIM MERCY OMANIJO, ESQ. - For Respondent

**ISSUES FROM THE CAUSE(S) OF ACTION**

CRIMINAL LAW AND PROCEDURE - OFFENCE OF MURDER:- Proof of - Whether the Court can convict for murder in the absence of a corpus delicti (dead body) – Nature of evidence required

CRIMINAL LAW AND PROCEDURE - OFFENCE OF CULPABLE HOMICIDE PUNISHABLE WITH DEATH: Ingredients the prosecution must prove to establish the offence of culpable homicide punishable with death - Effect of failure thereto

CRIMINAL LAW AND PROCEDURE - GUILT OF AN ACCUSED PERSON: Three ways to establish/prove the guilt of an accused person charged with the commission of an offence - Duty of prosecution thereto

ENVIRONMENTAL AND NATURAL RESOURCES LAW:- Use of public water courses as toilet facility and justice administration – Competing use of river for washing of human excreta as well as for performing religious ablution – Quarrel and death arising therefrom – How treated

**PRACTICE AND PROCEDURE ISSUES**

EVIDENCE - CONFESSIONAL STATEMENT: Meaning of confession/confessional statement - Whether includes an incriminating admission made that is not direct and positive and short of a full confession - Section 28 of the Evidence Act 2011

EVIDENCE - CONTRADICTION IN EVIDENCE:-Principle that for any conflict or contradiction in the evidence of prosecution witnesses to be fatal to the case, the conflict or contradiction must be fundamental to the main issues in question before the Court – What constitutes material contradiction

EVIDENCE - CONFESSIONAL STATEMENT:- Reliance of court solely on the confessional statement of an accused person to convict – Validity of

EVIDENCE - PROOF BEYOND REASONABLE DOUBT:- Meaning of proof beyond reasonable doubt - Duty of the prosecution thereto – How discharged

WORDS AND PHRASES - "HOMICIDE" - "CULPABLE HOMICIDE": Meanings of

**CASE SUMMARY**

ORIGINATING FACTS AND CLAIMS

This is an appeal by the State, against the judgment of the Court of Appeal, Abuja division allowing the appeal of the respondent against his conviction and sentencing by the trial Court for the alleged stabbing of one Mohammed Bello to death with a furniture knife thereby committing the offence of culpable homicide, contrary to Section 221 of the Penal Code. The trial Court had found the respondent guilty as charged and sentenced him to death by hanging.

DECISION(S) APPEALED AGAINST

The Court of Appeal below found for the respondent and allowed his appeal thereby setting aside his conviction and sentence.

The learned appellant’s counsel contended that the lower Court upturned the judgment of the trial Court, principally, on the ground that the prosecution did not prove the identity of the deceased victim of the crime.

ISSUE(S) FOR DETERMINATION ON APPEAL

*BY APPELLANT:*

*[The Supreme Court did not produce the Issues for determination verbatim but they were discernible from relevant portions of the judgment viz:*

1. Whether prosecution did not prove the identity of the deceased victim of the crime.

2. Whether there was conflict in the evidence adduced and relied on by the prosecution.]

*BY RESPONDENTS*

“Whether the Prosecution proved its case against the respondent beyond reasonable doubt.”

*AS ADOPTED BY COURT*

*[Supreme Court determined the appeal based on issues for determination raised by the Appellant]*

DECISION OF SUPREME COURT

1. The preliminary objection raised by the respondent to the competence of the appeal is lacking in merit and thus liable to being dismissed.

2. The appeal by the State succeeds and it is allowed. The judgment of the trial Court which convicted the respondent and sentenced him to death is restored and the judgment of the Court below is set aside. Respondent’s acquittal and discharge order is reversed. Appeal allowed.

**MAIN JUDGMENT**

OLUKAYODE ARIWOOLA, J.S.C. (Delivering the Leading Judgment):

This is an appeal by the State, against the judgment of the Court of Appeal, Abuja division delivered on 17th day of March, 2016 wherein the appeal by the respondent was allowed and the judgment of the trial Court, which convicted and sentenced the respondent, was set aside. The respondent was accordingly acquitted and discharged.

The respondent had been arraigned in the High Court of Niger State, sitting at Suleja. He was charged with the following offence:

“That you Ali Ahmed of Water Board Area, Suleja, Niger State on or about the 2nd of November, 2009 at about 15.35 hours within Suleja Judicial Division at Katoma River Suleja stabbed Mohammed Bello to death with a furniture knife and you thereby committed offence of culpable homicide, contrary to Section 221 of the Penal Code.”

Upon the reading of the charge, the respondent pleaded not guilty and the case proceeded to trial. The prosecution called three (3) witnesses - PW1, PW2 and PW3 to prove its case while the respondent testified in defence but called no other witness. At the close of the trial and counsel’s addresses, in its reserved judgment, the trial Court found the respondent guilty as charged. He was convicted and sentenced to death by hanging.

Being dissatisfied with the judgment of the trial Court, the respondent appealed to the Court below upon three grounds of appeal. In its unanimous decision, the Court below found for the respondent herein and his appeal was allowed. The State felt dissatisfied and has appealed to this Court on three grounds of appeal. Briefs of argument were filed and exchanged.

When the appeal came up for hearing on 31/10/2019, the appellant relied on the brief of argument filed on 5/7/2016 while the respondent relied on the brief of argument filed on 8/8/2016. Both briefs were respectively adopted.

The appellant formulated two issues for determination from the grounds of appeal earlier filed, while the respondent distilled a sole issue from the grounds of appeal. The appellant argued the two issues together in its brief of argument.

The learned appellant’s counsel contended that the lower Court upturned the judgment of the trial Court, inter alia, on the ground that the prosecution did not prove the identity of the deceased victim of the crime. Reference was made to the portion of the judgment of the lower Court. He conceded that the prosecution was ordinarily expected to prove the three ingredients of the offence of culpable homicide punishable with death contrary to Section 221 of the Penal Code.

The appellant referred to the evidence adduced by the prosecution on the record. He referred to the evidence of the three witnesses called and the confessional statement of the respondent which was admitted along with the pictures of the deceased victim of the crime. He referred to the reason given by the Court below in upturning the conviction and sentence of the respondent by the trial Court. He contended that the Court below upturned the judgment of the trial Court on the ground that the prosecution did not prove the identity of the deceased in the pictures tendered as Exhibits 2b and 2c as the person the respondent stabbed to death. Learned counsel contended that the findings of the Court below could not be supported by the evidence before the Court on record. He referred to the testimony of PW1 and PW3 which showed that a person was killed by the respondent through stabbing at Kantoma Riverside in Suleja. He referred to the photographs of the corpse of the victim later identified as Mohammed Bello showing the stab wounds which fit into the description of the injuries the respondent earlier confessed to have inflicted on the boy. Learned counsel submitted that even though the corpse of the deceased was not physically produced and there was no medical report, the photographs of the corpse of the deceased showed conclusively that he died of the stab wounds inflicted on him by the respondent. He relied on Onwumere Vs. The State (1991) 22 NSCC (Pt.1) 606 at 621 on non production of medical evidence.

Learned counsel submitted that in the instant case, the absence of medical report as to cause of death of the deceased was not fatal to the burden of proof beyond reasonable doubt and the guilt of the respondent by the prosecution. He contended that the failure of the family members to testify and identify the corpse of the deceased was not fatal to the case of the prosecution, as the photographs of the deceased spoke louder than viva voce evidence of the members of his family. He relied on Enewoh Vs. State (1989) 5 NWLR (Pt. 119) 98 at 108 per Uwaifo, J.C.A. (as he then was).

Learned counsel submitted further that even if the person who had identified the corpse of the deceased as Mohammed Bello to PW3 before he took the photographs of the corpse was not called to testify, such omission was not fatal to the case of the prosecution. He urged the Court to so hold. He relied onNjoku Vs The State (1992) 8 NWLR (Pt.263) 714 at 723.

Learned counsel again referred to the pictures of the corpse of the deceased which were fully tendered and admitted as the pictures of the deceased taken before it was buried. He submitted that the prosecution proved beyond reasonable doubt the identity of the deceased and the trial Court was right to have convicted the respondent.

On whether there was conflict in the evidence adduced and relied on by the prosecution, learned counsel submitted that there was no conflict in the testimonies of the prosecution witnesses. He referred to the testimonies of PW1 and PW3 and the confessional statement of the respondent. He contended that PW3 was not cross examined on his testimony as to when he took the pictures of the corpse of the deceased which fit into the description of the stab wounds the respondent confessed he had inflicted on the victims he fought with at the Kantoma River in Suleja. Learned counsel submitted that the discrepancy in the dates was not fatal to the prosecution’s case to warrant the setting aside of the conviction and sentence of the respondent.

He submitted that the prosecution proved its case against the respondent and urged the Court to so hold. He further urged the Court to set aside the judgment of the Court below and restore the conviction and sentence of the respondent by the trial Court.

In replying to the appeal, the learned respondent’s counsel distilled a lone issue from the three grounds of appeal filed by the appellant as follows:

“Whether the Prosecution proved its case against the respondent beyond reasonable doubt.”

Learned counsel for the respondent referred to the testimonies of the three PWs - PW1, PW2 and PW3 and contended that the issue is whether the prosecution proved all the ingredients of the alleged crime of culpable homicide. He gave the ingredients and contended that it is clear that the deceased, that is the victim of the homicide, must be identified or ascertained with clarity. He relied on Isang Vs. The State (1996) 9 NWLR (Pt.473) 458 at 468; Enewoh Vs. The State (1990) 4 NWLR (Pt.145) 469; and Princewill Vs. The State (1994) 6 NWLR (Pt.353) 703 at 715. Learned counsel contended further that the prosecution did not prove the identity of the deceased. He referred to the evidence relied on by the Prosecution, such as Exhibit 1 said to be the statement of the respondent and the testimony of PW1 to whom the respondent was said to have made confessional statement. Learned counsel contended that from Exhibit 1 which was admitted as a confessional statement of the respondent, no name was given of the deceased, who was said to have been fought with by the respondent.

Learned counsel further contended that in the testimony of PW1, the name of the deceased victim with whom the respondent was said to have confessed that he fought was not given in Court, but that the only person who gave the name of the deceased was PW3 who is not a relation of the deceased victim. He stated that there was no evidence whatsoever of any relation of the deceased victim that testified in Court that it was Mohammed Bello that was in Exhibits 2(a)-(g). Learned counsel contended further that as no one with certainty positively identified the deceased to PW3 when he took the pictures of the corpse as that of Mohammed Bello, he submitted that the identity of the deceased was not proved by the prosecution.

Learned counsel alluded to the findings of the Court below that, although the respondent made the extra judicial statement in Exhibit 1 but that there is nothing in the said statement or even outside it to prove that the person who fought with the respondent and who allegedly died was the person whose corpse was recovered by PW3. And that there is also no evidence that the person mentioned in the respondent’s statement was Mohammed Bello.

Learned counsel further alluded to the judgment of the Court below on the testimonies of PW2 and PW3 and the alleged confessional statement of the respondent where three different dates were mentioned by the prosecution. He submitted that the variation or contradiction in the dates is fatal to the prosecution’s case and that the confessional statement of the respondent did not prove the crucial ingredient of the time the crime took place vis-a-vis the evidence on the issue as to when the crime took place in the evidence of PW3. He submitted further that that made Exhibit 1 - the alleged confessional statement of the respondent to fall short of the test that it has to be direct, positive and unequivocal so as to prove all the essential ingredients of the crime. He relied on Abasi Vs. The State (1992) 23 NSCC (Pt.111) 159 at 174.

Learned counsel submitted that the prosecution did not prove the case against the respondent beyond reasonable doubt hence the lower Court was right in setting aside the conviction and sentence of the respondent. He urged the Court to so hold.

In the final analysis, learned counsel urged the Court to affirm the judgment of the lower Court on the following grounds:

(a) That the prosecution did not prove its case against the respondent beyond reasonable doubt.

(b) There were conflicts in the dates of the commission of the offence in the evidence led at the trial.

(c) The confessional statement of the respondent was not direct, positive and equivocal and should not have been relied upon to convict the respondent.

(d) The identity of the deceased victim of the crime was not proved at the trial.

He urged the Court to dismiss the appeal and affirm the judgment of the Court below which set aside the conviction and sentence of the respondent.

First and foremost, I have considered the preliminary objection raised by the respondent to the competence of the appeal and found same to lack merit and liable to being discountenanced. Accordingly, the respondent’s preliminary objection is dismissed.

As earlier noted, the respondent was charged with the offence of culpable homicide contrary to Section 221 of the Penal Code.

The sole issue in this appeal is whether the prosecution proved its case against the respondent beyond reasonable doubt.

Before I proceed to consider the said issue for determination, the brief facts of the case are as follows:-

“PW1 - one Ishiaku Abdulrazaq, a barber was in his barbing shop sometime in December, 2009 when the respondent came to his shop to barb his hair. The respondent then informed PW1 of an event that was disturbing his conscience. He then told PW1 that he had fought with someone by the river side of old water dam and that he had stabbed the boy with his knife. The respondent admitted that he knew the boy and PW1 agreed to follow him to the family of the boy he stabbed, to take him to the hospital for treatment, but the respondent refused and left the shop that day.

However, sometime in January 2010 he (PW1) was arrested by the members of Vigilante group in connection with an alleged stolen electricity generating set which was given to him to keep. In the course of his interrogation he was asked if he knew the respondent, who had told them that he had been one of those who killed the deceased. He later led the vigilante men to arrest the respondent who later told them that he alone stabbed the deceased. The respondent was arrested and handed over to the police who obtained his statement.

PW2 was one Sergeant Usman Abubakar with Force No.20055, then serving at the State Criminal Investigation Department (SCID), Minna. He was detailed to obtain the respondent’s statement which was tendered and admitted without objection and was marked Exhibit 1.

PW3 was one Suleiman Badaru, the Secretary of Suleja Emirate Civil Security Corps. He was in their office when a case was reported of someone who was killed by the river side. He had gone with the office Camera and took pictures of the Corpse when he and some policemen visited the scene. The pictures he had taken were admitted without objection and were marked as Exhibits 2B and 2C respectively.

It is noteworthy that the case of the respondent before the trial Court was a total denial of the knowledge of the deceased. He denied knowing the deceased or ever making any statement to the police on the death of the deceased. He however admitted the signature on the statement to be his own.

As earlier stated, no other person testified in defence. Upon consideration of the totality of the case, the respondent was found guilty as charged, he was convicted and sentenced to death. His conviction and sentence were later set aside by the Court below on the ground that the prosecution failed to prove the case of culpable homicide punishable with death beyond reasonable doubt against the respondent.

Generally, homicide means the killing of one person by another. In other words, it is the act of purposely, knowingly, recklessly or negligently causing the death of another human being. However, culpable homicide means a wrongful act that results in a person’s death but does not amount to murder. See; Umar Adamu Vs. The State (2014) 10 NWLR (Pt. 1416) 441 at 460.

Therefore, it is already settled, that for the prosecution to secure conviction in a charge of culpable homicide punishable with death, under the Penal Code, the following ingredients must be established:-

(a) That the death of a human being has actually taken place;

(b) That the death resulted from the act of the accused and;

(c) That the act was done with the intention of causing death, or that the accused did not care whether the death of the deceased will result from his act.

See: Durwode Vs. State (2000) 15 NWLR (Pt.691) 467 at 487; Ogbu & Anor Vs. The State (2007) 4 SCM 169 at 185; (2007) 5 NWLR (Pt.1028) 635; Tunde Adava & Anor. Vs. The State (2006) 9 NWLR (Pt.984) 152 at 167; The State Vs. Babangida John (2013) LPELR - 20590. It needs not be specifically stated again that all the above ingredients of the offence must be proved together and that failure to prove anyone of them means failure of the charge itself. See;Haruna Alhaji Galadima Vs. The State (2017) LPELR - 43469 (SC).

From the records, the trial Court who saw and heard the witnesses testified and examined the documents duly admitted without objection had found that the prosecution proved the three ingredients of the offence beyond reasonable doubt against the respondent hence was found guilty as charged, convicted and sentenced accordingly.

However, the Court below had found that the prosecution failed to link the corpse in Exhibits 2B and 2C to the corpse of Mohammed Bello, or the person who died as a result of the alleged stabbing by the respondent. The Court of Appeal even though admitted that there was no doubt that Exhibits 2B and 2C were gory photographs of a corpse of a young man, but came to the conclusion that there was no evidence that the corpse in the Exhibits was the corpse of Mohammed Bello.

There is no doubt that the trial Court had relied on the alleged confessional statement of the respondent, which was duly admitted without objection by the respondent, to convict the respondent as charged.

From the statement credited to the respondent and admitted as Exhibit 1, the respondent actually narrated the story of how he had fought with a young man who he stabbed on his armpit and later learnt had died, and the testimonies of PW1 and PW3, there is no doubt that the three ingredients of the offence charged had been established. In his statements on pages 5,6,7 and 8 of the record given on 28/3/2010 and 01/4/2010, the respondent gave the detailed and graphic description of what transpired between him and the deceased at the river side which led him to stab the deceased and later led to his death.

From the evidence adduced by the prosecution on the record, it is clear that the death of a human being actually took place. That the death resulted from the act of stabbing of the deceased by the respondent. And that the act was done by the respondent without caring whether the death of the deceased would result from his act.

In the statement of the respondent, he had agreed that he actually fought with the deceased by the side of the river and he stabbed him with his furniture knife on his armpit. The trial Court had found that the pictures of the deceased showed that he was stabbed on his armpit as claimed by the respondent in his statement to the police.

It is note worthy that when the statement of the respondent was discovered to be confessional in nature, he was taken to a superior Police Officer by the officer who obtained the said statement. The statement was said to have been read over to the respondent and after confirming that he made it voluntarily, the superior police officer duly endorsed same on 01/4/2010.

It is trite law that confessional statement, so long as it is free and voluntary and it is direct, positive and properly proved, is in itself enough to sustain conviction. In other words, it is settled law that confession alone is sufficient to support conviction without corroboration, so long as the Court is satisfied of the truth of the confession. R Vs. Sykes 81 Criminal Appeal Report 223, Edet Obosi Vs. The State (1965) NWLR 119; Jimoh Yesufu Vs. The State (1976) 6 SC 167; James Obi Achabua Vs. The State (1976) LPELR - 63 (SC); Adesina Kayode Vs. The State (2016) LPELR - 40028 (SC).

It is noteworthy that notwithstanding the respondent’s attempt to resist the confessional statement, the defences of provocation, self defence and insanity were considered by the trial Court and each was overruled. On the self defence, the trial Court found that from the evidence proffered, it was the respondent that first assaulted the deceased for washing his excreta in the river near him where he was performing ablution. On the defence of provocation, the trial Court found that it was the case of the respondent that when the deceased refused to relocate in the river side, he pushed him away and the deceased took a stone and threw it at him which hit him on the head. He then went for his knife from his furniture tools bag and stabbed the deceased. The Court found that the action of the respondent in stabbing the deceased with a knife on the armpit and stomach was in excess of that of a reasonable man in the circumstance.

On page 169 of the record, the trial Court found that the issue of insanity featured in the course of the application for bail of the respondent, but that no evidence was called during trial to establish that the accused was insane at the time of the commission of the offence. The trial Court observed and found that throughout the trial, the respondent was physically fit and conscious of his environment and visibly appreciated the trial.

At the end of the trial as earlier stated, the Court found that the prosecution proved the case against the respondent beyond reasonable doubt.

From the available evidence proffered by the prosecution, I am not in the slightest doubt that the identity of the deceased - Mohammed Bello who was fought with by the respondent was proved by the prosecution.

Generally, proof beyond reasonable doubt simply means the prosecution establishing the guilt of an accused person with compelling and conclusive evidence. It means a degree of compulsion which is consistent with a high degree of probability. In Miller Vs Minister of Pensions (1947) 2 ER 372 it was held that the expression “proof beyond reasonable doubt” does not mean proof beyond all shadow of doubt and if evidence is strong against a man as to leave only a remote probability in his favour, which can be dismissed with the sentence, of course, it is possible but not in the least probable, the case is proved beyond reasonable doubt. See; Bakare Vs. State (1987) 1 NWLR (Pt.52) 579; Demo Oseni Vs. The State (2012) LPELR -7883 (SC).

On whether there was conflict in the dates referred to in the evidence of the prosecution, the respondent had contended that different dates were given when the event in question took place.

It is pertinent to state that it is settled law that for any conflict or contradiction in the evidence of prosecution witnesses to be fatal to the case, the conflict or contradiction must be fundamental to the main issues in question before the Court. See; Onubogu & Anor Vs The State (1974) 1 All NLR (Pt.11) 5; Nasamu Vs. The State (1968) NMLR 86; Ibe Vs. State (1992) 5 NWLR (Pt.244) 642 at 649; Namsoh Vs. State (1993) 5 NWLR (Pt.292) 129.

It must be stressed that it is not in all cases where there are discrepancies or contradictions in the prosecution’s case that these are fatal to its case. It is only when the discrepancies or contradictions are on a material issue or issues in the prosecution’s case which create some doubt in the mind of the trial Judge that the accused is entitled to benefit therefrom. See; Okonji Vs. State (1987) 1 NWLR (Pt.52) 659; Wankey Vs. State (1993) 5 NWLR (Pt.295) 542 at 552.

The conflict in the dates proffered by the prosecution is not substantial or material to the main issue of the case and thereof not fundamental as to adversely affect the case.

It is trite law that the guilt of an accused person charged with the commission of an offence can be established by any or all of the following:

(i) The confessional statement of the accused;

(ii) Circumstantial evidence;

(iii) Evidence of an eye witness.

See; Alufohai Vs. The State.

A confession is an admission made at any time by a person charged with a crime, stating or suggesting the inference that he committed the crime and this includes both extra-judicial and judicial confessions. It also includes an incriminating admission made that is not direct and positive and short of a full confession. See; Section 28 of the Evidence Act 2011; Idowu Okanlawon Vs. The State (2015).

In the instant case, the trial Court was right to have relied on the confessional statement of the respondent to convict him for the offence charged. The prosecution indeed proved the case beyond reasonable doubt and the trial Court was correct in convicting and sentencing the respondent. The identify of the deceased was proved.

In the final analysis, and without any further ado, the appeal by the State succeeds and it is allowed. The judgment of the trial Court which convicted the respondent and sentenced him to death is restored and the judgment of the Court below is set aside. Respondent’s acquittal and discharge order is reversed. Appeal allowed.

**KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN, J.S.C.:**

I have had the benefit of reading in draft the judgment of my learned brother, Olukayode Ariwoola, J.S.C. just delivered. The reasoning and conclusion therein represent my views in this appeal.

The main reason for setting aside the judgment of the trial Court by the Court below was that there was no positive identification of the corpse of the deceased and that there were purported inconsistencies in the evidence as regards when the crime was committed.

The position of the law is that the burden on the prosecution to prove its case beyond reasonable doubt may be discharged in three ways: (i) through eye witness accounts; (ii) circumstantial evidence; or (iii) the confessional statement of the accused.

In this case, the prosecution relied on circumstantial evidence as well as the respondent's confessional statement in proving its case. The learned trial Judge did a thorough job in assessing and ascribing evidential value to the evidence before him.

The testimony of PW1 as to how the respondent confessed to him that he had stabbed a boy at Kantoma River, after a fight; that he ran toward the mosque where he fell down and died; and that his conscience was disturbing him, was unchallenged. The photograph of the wounds sustained by the deceased tallied with the respondent's description of how he stabbed him.

It is well settled that if there are facts from which it can be inferred that the deceased has been killed, a conviction for murder can still stand even though the corpus delicti is not produced. See:Enewoh Vs the State (1990) 4 NWLR (Pt. 145) 469; Zubairu Vs The State (2015) 16 NWLR (Pt. 1486) 504.

The facts and details regarding the incident, such as the location and details of the fight, the place where the deceased eventually died, as narrated to PW1, were fully corroborated in the appellant's confessional statement, Exhibit 1. There was no challenge to the voluntariness of the statement when it was tendered in Court. The law is that an accused person may be convicted on the basis of his confessional statement alone if it is direct, positive and unequivocal as to his commission of the offence charged. See: Blessing Vs F.R.N. (2015) 13 NWLR (Pt. 1475) 1; Nwachukwu Vs The State (2007) 17 NWLR (Pt. 1062) 31 @ 69; Egboghonome Vs The State (1993) 7 NWLR (Pt. 306) 383.

In the instant case, there was overwhelming circumstantial evidence, coupled with the respondent's confessional statement that established beyond reasonable doubt that it was the respondent who killed the deceased. The lower Court was therefore wrong when it held that there was insufficient evidence of the identity of the deceased. Alleged inconsistencies as regards when the crime was committed are of no moment when it was established that indeed the deceased died in the manner described by the respondent and by his hand.

I agree with my learned brother that this appeal is meritorious. It is hereby allowed. The judgment of the lower Court setting aside the respondent's conviction and sentence is hereby set aside. The judgment of the trial Court is accordingly restored.

**AMINA ADAMU AUGIE, J.S.C.:**

I read in draft the lead Judgment just delivered by my learned brother, Ariwoola, J.S.C., and I agree with him that this Appeal by the State against the decision of the Court of Appeal is meritorious and must be allowed.

There is no question that the Prosecution proved its case against the Appellant at the trial Court beyond reasonable doubt, and that the Court of Appeal had no reason sustainable in law to set aside the decision of the trial Court to convict the Appellant for the offence charged. Thus, I also allow the Appeal and set aside the decision of the Court of Appeal.

**PAUL ADAMU GALUMJE, J.S.C.:**

I have had the privilege of reading in draft, the judgment just delivered by my learned brother, OLUKAYODE ARIWOOLA, J.S.C. and I agree that this appeal has merit and should be allowed. It is accordingly allowed by me. The judgment of the lower Court is set aside. In its place, the judgment of the trial Court is restored and affirmed.

**UWANI MUSA ABBA AJI, J.S.C.:**

The facts are that one Ishiaku Abdulrazaq (PW1), a barber, sometime in December, 2009, was in his shop when the Respondent came to barb his hair wherein a discussion ensued. The Respondent then informed the PW1 that his conscience pricked him because he stabbed a boy with a knife in a fight by the river side of old water dam. The Respondent admitted he knew the boy and PW1 agreed to follow him to the family so that he could be taken to the hospital but the Respondent refused. Later in January 2010, PW1 was arrested in connection with an alleged theft of electricity generating set given to him to keep. During the interrogation, he was asked if he knew the Respondent, who had told them that he was one of those that killed the deceased. He later led the vigilante men to arrest the Respondent who eventually told them that he alone stabbed the deceased. The Respondent was arrested and handed over to the police. The Respondent was charged before the High Court of Niger State as follows:

That you, Ali Ahmed of Water Board Area, Suleja, Niger State, on or about the 2nd of November, 2009 at about 15:35 hours within Suleja Judicial Division at Katoma River Suleja stabbed Mohammed Bello to death with a furniture knife and you thereby committed offence of culpable homicide, contrary to Section 221 of the Penal Code.

After the trial, the Respondent was convicted and sentenced to death by hanging. Dissatisfied, he appealed to the lower Court, which found in his favour. This precipitated the State (Appellant) to appeal to this Court.

The sole issue for consideration is:

Whether the prosecution proved its case against the respondent beyond reasonable doubt.

The grouse of the Respondent's learned Counsel is that since the Appellant could not identify the deceased, the case of culpable homicide punishable with death has not been proved beyond reasonable doubt. Put differently, the Respondent herein claims total denial of ever knowing the deceased or making any statement to the police in respect of the deceased's death.

Section 221(b) of the Penal Code stipulates that "Except in the circumstances mentioned in Section 222, Culpable Homicide shall be punished with death, if the doer of the act knew or had reasons to know that death would be the probable and not only a likely consequences of the act or of any bodily injury which the act was intended to cause." It follows that to establish the offence, the prosecution must establish:- a. that the death of a human being has actually occurred; b. that such death was caused by the act or omission of the accused and was done with the intention of causing death or grievous bodily harm and; c. that the accused knew that death would be a probable consequence of the act. See Per PETER-ODILI, J.S.C. in DADA V. STATE (2017) LPELR-43468 (SC).

The lower Court found in favour of the Respondent because the Appellant could not link the deceased, Mohammed Bello, to the corpse shown on Exhibits 2B and 2C. Putting the Exhibit 1, being the confessional statement of the Respondent, that narrated with exactitude how he stabbed the deceased who later died, corroborated by the testimonies of PW1 and PW3. There is an unmistakable and straight fact that the conjunctive ingredients of culpable homicide punishable with death have been established against the Respondent. In fact, it is trite that even the confessional statement of the Respondent suffices to convict him for the offence charged.

It is settled law that an accused person can be convicted solely on his confessional statement. If a Court of law comes to the conclusion that a statement made by an accused person satisfies all the legal requirements of a confessional statement, then the charge against the accused must of necessity have been proved beyond reasonable doubt. The reason is simply that the Court can and does convict an accused person solely on his confessional statement. See Per ABBA AJI, J.S.C. in TOPE V. STATE (2019) LPELR- 47837(SC) in reference to Per ONNOGHEN, J.S.C. in FATAI V. STATE (2013) LPELR-20182(SC).

I therefore agree unreservedly with the judgment of my learned brother, Ariwoola, J.S.C., in allowing the appeal and reversing the verdict of the lower Court.