**AUGUSTINE OHAMUO**

**V.**

**THE STATE**SUPREME COURT OF NIGERIA

25TH FEBRUARY, 1966.

S.C. 677/1965.

**LEX (1966) - S.C. 677/1965.**

OTHER CITATIONS

3PLR/1966/109 (SC)

**BEFORE THEIR LORDSHIPS:**

SIR ADETOKUNBO ADEMOLA, C.J.N. (Presided and Read the Judgment of the Court)

GEORGE BAPTIST AYODOLA COKER, J.S.C.   
  
CHUKWUNWEIKE IDIGBE, J.S.C.

**ORIGINATING COURT**

NA

**REPRESENTATION**

J.A. COLE - for the Appellant.   
  
K.K. KEAZOR, State Counsel - for the Respondent.

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

**CRIMINAL LAW AND PROCEDURE: -** Murder – Proof of – Motive - Whether required for proof thereof Plea of Insanity - Disorder of thought - Whether same as insanity

**CHILDREN AND WOMEN LAW**:- Young people and security of neighbourhood – Access to water in rural community and implications for security of lives and justice administration – Murder of girl-child who went to fetch water by a person with disorder of thought – How treated

**HEALTHCARE AND LAW: -** Persons living with mental disabilities – Access to treatment and relevant care – Effect of failure thereto – Implication for security of lives and justice administration

**MAIN JUDGMENT**

**ADEMOLA, C.J.N.** (Delivering the Judgment of the Court):

We dismissed this appeal on 7th February, 1966, and we now give our reasons for doing so. The case which the prosecution put before the learned trial Judge and accepted by him was shortly as follows –

A group of young girls who went to fetch water from a stream at Ikputu Nsulu were surprised by the appellant who challenged them and then raised up the matchet he was holding. The girls dropped their water containers and took to their heels; he chased them. There was a hue and cry in the village and everybody rushed out to see what was happening by the stream. After some search the body of the deceased was found in a cassava farm a few yards from where she had dropped her container. There were multiple wounds on the body described by the doctor as follows- an incised wound six inches long and one inch deep on the outer side of the right knee; the right upper limb was amputated at the elbow. An incised wound eight inches long half an inch deep and gaped by two and a half inches on the front right shoulder and the right arm; an incised wound on the front of the root of the neck and upper part of the chest got through the wind pipe and the left collar bone, about six inches long two inches deep. Another incised wound on the right side of the face, jaw and neck, this wound being two inches from the corner of the mouth, passed through the right ear to the middle of the back of the neck, and cut through several muscles and blood vessels.

There was apparently no motive for the murder, but it is not necessary to establish motive in a charge of this nature.

In his statement to the Police, the appellant admitted killing the deceased but said he was disturbed in mind and something “pushed” him to pursue the girls as they were running away from him. In his defence however, the appellant said this statement is not true. He said he went out but did not realise he was holding a matchet; the girls who saw him took to their heels and one fell down. According to him, he went to pick up the girl who fell, and the matchet he was holding went on her body.

For the defence Dr. Onwurah, Medical Officer in charge of the General Hospital who attended to the appellant whilst in custody was called. He was of the opinion that the appellant had “a disorder of thought” but that he was not insane.

The learned trial Judge considered the defence and particularly the evidence of Dr. Onwurah. He found that the evidence before him does not establish insanity on the part of the appellant and convicted the appellant. We found the learned Judge’s statement of the law on insanity in order and that he could not have returned any other verdict but one of guilty. We therefore dismissed the appeal.

**COKER, J.S.C.:**

I concur.

**IDIGBE, J.S.C.:**

I concur.

Appeal dismissed.