Court acquits UNIBEN lecturer Ekundayo of rape charges after three years

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An Edo State High Court sitting in Benin on Friday discharged and acquitted a lecturer with the University of Benin (UNIBEN), Dr Omowumi Olabode Steven Ekundayo, who had been standing trial for the alleged rape of a student of the institution.  
  
Dr Ekundayo, of the Department of English and Literature, was alleged to have demanded sex from Miss Anita Adesuwa Efosa, a 21-year-old, 400-level female student, in exchange for marks on October 5, 2021.  
  
The lecturer, popularly known as “Dr. Bode Steve Ekundayo,” had been successfully assessed for an Associate Professorship in the Department of English and Literature at the University of Benin prior to the allegations of raping Efosa in his office at the Faculty Complex in broad daylight on October 5, 2021.  
  
The scandal went viral worldwide, and consequently, the accused was issued a query and placed on interdiction pending the investigation of the case by the police and a final determination in court.  
  
The university don was arrested, detained for several weeks, and arraigned for alleged rape, but was later granted bail on stringent conditions. However, after over three years of legal battles, the High Court in Benin discharged and acquitted the accused on Friday, citing a lack of substantial proof and evidence against him.  
  
Ruling on the suit marked B/CD/8CV/22, Justice (Mrs.) Mary Itsueli stressed that the prosecution team completely failed to prove their case against the accused beyond all reasonable doubt. The erudite judge asserted that even if anyone were to believe the claims of the alleged victim at face value, there was no substantial required proof or evidence whatsoever to establish sexual intercourse or rape.  
  
Justice Itsueli summarised the outcomes of the examinations and cross-examinations of all the witnesses, including Principal Witness 1, Miss Efosa, the alleged victim, and upheld the no-case submission filed by the defence counsel and former Attorney General and Commissioner for Justice, Edo State, Dr Osagie Obayuwana, maintaining that the evidence of the PW1 (the nominal complainant) was not corroborated by the submissions of the other five prosecution witnesses.  
  
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The judge also maintained that the prosecution team further failed to tender the University Health Centre Medical Test Report as an exhibit to the court during the trial because the results and findings therein obviously vitiated and negated their claims.  
  
In addition, the report from Vivian Centre, which was conducted a day after the alleged incident and tendered as evidence, failed to scientifically show the evidence or proof of rape.  
  
Besides, the Vivian medical doctor who presented the report admitted before the court that there was no way sexual intercourse or rape could be established after 24 hours and so based his findings predominantly on the alleged victim’s oral history and claims.  
  
Itsueli held that the prosecution team could not establish the three main ingredients of rape, which she listed as penetration, sexual intercourse, and lack of consent, adding that the penetration must be linked with the defendant and telltale signs of rape must be shown in the medical report and the scene of the alleged crime. These were not established in any way.  
  
Justice Itsueli also relied on the in-depth investigation by the police and Investigation Officers (IPO), who examined both the accused and the alleged victims physically and visited the scene of the alleged rape. The police report stated clearly that there were no bruises on their bodies, no torn clothes, and the office of the defendant, said to have been broken into to rescue the girl, remained intact. The judge concluded that the whole situation was a clear setup, as noted in the police report.  
  
Citing a plethora of legal authorities, Justice Itsueli averred that “the prosecution case is bereft of evidence. In a criminal case, the claimant is required to prove his or her case beyond all reasonable doubt. I found no reason to call the defendant to enter the dock for his defence. The no-case submission of the defence counsel is hereby upheld. The case is hereby dismissed for lack of evidence, and the accused is discharged and acquitted,” Justice Itsueli ruled.