Court dismisses sexual assault case against man due to insufficient evidence

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An Ikeja Magistrates Court in Ogba, Lagos, has dismissed a sexual assault charge against a 42-year-old man, Mr Emmanuel Emeruwa, following a lack of prosecutable evidence.  
  
  
  
Emeruwa had been arraigned in June, accused of alleged misconduct involving his five-year-old daughter at his residence in Lagos.  
  
Upon his initial arraignment, Emeruwa pleaded not guilty, and the presiding Chief Magistrate, Mr B.O. Osunsanmi, ordered his remand in police custody pending advice from the Lagos State Directorate of Public Prosecutions (DPP). Subsequently, the DPP issued a legal opinion on June 24, 2024, advising against prosecution.  
  
Magistrate Osunsanmi, following this advice, struck out the case and dismissed the single charge against Emeruwa, noting, “Based on the advice of the DPP… the defendant, Emmanuel Emeruwa, is hereby struck out. Case dismissed.”  
  
A copy of the DPP’s legal advice, signed by Lagos DPP, Dr Babajide Martin, indicated that the evidence gathered did not establish a prima facie case against the defendant. The report referenced a family meeting included in the case file, where the child’s mother initially accused Emeruwa but later recanted, apologising and admitting to having fabricated the allegation out of anger during a family dispute.  
  
The legal advice also highlighted inconsistencies in medical reports submitted by two separate organisations, Mirabel Centre and WARIF. The Mirabel Centre report referenced certain physical findings, while WARIF’s findings varied significantly. The report underscored that these contradictions weakened the case against Emeruwa and failed to provide unequivocal evidence necessary for prosecution.  
  
As stated in the legal advice, “The law mandates that guilt be established through direct evidence, a confession, or compelling circumstantial evidence. In this case, such evidence is lacking.”  
  
The DPP’s office concluded that, given these inconsistencies and the lack of a direct or credible witness account, the benefit of the doubt must be extended to the defendant.  
  
Consequently, Emeruwa was discharged, with the court citing insufficient evidence to pursue the matter further.