Kogi: Man jailed 10 years for raping master’s daughter

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James Azania, Lokoja  
  
A 23-year old man, Okwudili Ayogu, has been convicted of raping the daughter of his “master” and sentenced to 10 years imprisonment by the Kogi State High Court sitting in Lokoja.  
  
The Chief Judge of the state and presiding judge of the High Court 1, Justice Nasiru Ajanah, found the defendant guilty of the offence committed on the 28th October, 2018 behind the Mountain of Fire Church, Phase II, Lokoja, within the Kogi State Judicial Division.  
  
The case with number HCL/04C/2019 was determined on the strength of its successful prosecution by the Director of Public Prosecution in the Ministry of Justice, Kogi State, on a one count charge of rape under Section 283 of the Penal Code.  
  
A summary of the offence showed that on the 28th October, 2018 the victim took her bath in preparation to go to church, but on coming out of the bathroom, was confronted by the defendant who forcibly removed her cloth and raped her.  
  
The victim further told the court that after committing the act, the defendant started begging her and told her not tell anybody.  
  
Her father subsequently lodged a complaint at the police station the following day, and the defendant was arrested.  
  
She told the court that the defendant admitted committing the offence and continued to beg her, at the police station.  
  
During the course of hearing, the prosecution called four witnesses, including the victim, who testified against the defendant.  
  
The court observed that the victim remained consistent and unshaken in her allegations that the defendant raped her during cross-examination even though the cross-examination was centred more on the challenge of her virginity.  
  
Despite pleading not guilty, the defendant was convicted based on his initial confessional statement when arrested by the police and the evidence of the medical report tendered in the court.  
  
“The offence alleged against the defendant is that of rape and I am inclined to agree with and adopt the issue for determination as couched by the learned Deputy Director of Public Prosecutions, Ms. Iye Idama. The said issue simply put, is whether the prosecution has proved her case beyond reasonable doubt.  
  
“Both confessional statements made by the defendant in this case were positive and unequivocal in admitting his guilt….the confessional statement of the defendant corroborates the evidence of the PW1 (victim) that the defendant raped her,” said Justice Ajanah.  
  
On whether or not the defendant had sexual intercourse with the victim, the judge said he was “convinced by the testimony of the victim and the unequivocal admission of the defendant,” that he had sexual intercourse with her.  
  
The three other prosecution witnesses included the medical doctor who examined the victim and tendered a medical report.  
  
The doctor stated in his report that the, “examination revealed varying degree bruises on the labia minora suggestive of assault. An assault of sexual assault (rape) is being entertained.”  
  
At the close of defence, both counsels addressed the court on the issues for determination.  
  
Consequently, Justice Ajanah concluded that the prosecution had proven her case beyond reasonable doubt against the defendant and convicted him accordingly.  
  
He said: “I have no hesitation in holding that the prosecution has proved her case beyond reasonable doubt against the defendant. I therefore hereby convict the defendant of the offence of rape contrary to Section 283 of the Penal Code.”  
  
While urging the Court to take cognizance of the time he has spent in detention in showing mercy, counsel to the defendant, Dr James Agboruhere, pleaded that he was a first offender who recently married and has a child. However, Justice Ajanah weighed the offence “against the larger interest of the society against who the said offence has been committed,” stating that “the relationship between the defendant and the victim is such in which it is ordinarily expected that the defendant or convict would protect the PW1 (victim) in case of any danger.  
  
“However, the convict himself turned out to be the predator. It is against this background that I am inclined to and do hereby sentence the convict to a term of ten years imprisonment from the first date of his detention,” he pronounced.