Court strikes out sexual assault charge against man

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An Ikeja Magistrates Court in Ogba has struck out a sexual assault charge by the police against Emmanuel Emeruwa.  
  
Emeruwa was arraigned on a holden charge in June for alleged sexual assault of his daughter, five, in his home.  
  
He pleaded not guilty to the charge and was remanded in police custody.  
  
Chief Magistrate B.O.Osunsanmi referred the case to Directorate of Public Prosecution (DPP) for legal advice.  
  
Following advice by the DPP on June 24, the magistrate held that the defendant had no case to answer and struck off the charge.  
  
The court held: “The advice of the DPP dated June 24, 2024, Reg No LIP/MISC/R/2024/114/8, advised non-prosecution of the defendant. The case against Emmanuel Emeruwa is hereby struck out. Case dismissed.”  
  
A copy of the legal advice signed by Lagos DPP, Dr Babajide Martin showed police did not establish any prima facie case against him.  
  
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The legal advice cited a family meeting in the duplicate case file where the mother of the victim had accused the suspect of sexually assaulting their daughter and later apologised, saying she made up the allegation out of anger.  
  
The document reads: “After considering the facts in the duplicate case file, this office is of the view a prima facie case of sexual assault by penetration contrary to Section 261 of Criminal Law Cap. C.17, Vol.3, Laws of Lagos State 2015 is not disclosed against the suspect, PG B1-Emmanuel Emeruwa.  
  
“The facts as contained in the duplicate case file revealed that the suspect and the complainants are constantly having issues in their marriage leading to physical assault on the suspect.  
  
“The complainant during one of the meetings by the family alleged the suspect sexually assaulted the victim where the complainant eventually apologised she made the allegation out of anger.”  
  
The legal advice also stated there was a contradiction between the medical examination carried out on the victim by Mirabel Centre and another conducted by WARIF.