

## SUMMARY OF JUDGMENT

### INTRODUCTION:

This appeal borders on the Offence of Manslaughter.

### FACTS:

On 11th September, 2008, the PW1 with one Chinedu Eze (deceased) boarded a bus.

The Appellant was the conductor of the bus. The DW.2 was the driver of the bus. The PW.1 and the deceased had reached their destination bus stop, Agboju. The deceased paid their respective fares to the Appellant and demanded to be given their balance (change). The Appellant, apparently not willing to give them the change, told the deceased that they should collect the change from another woman passenger. The deceased insisted on collecting the balance. The Appellant had meanwhile instructed the DW.2, the driver, to move on. As the DW.2 was driving off the bus the deceased jumped into the bus and held the Appellant. The Appellant pushed the deceased off by kicking him. The deceased fell off from the bus and was crushed by the rear tyres of the bus. The DW.2 refused to stop. Some motorcyclists gave the bus a chase and caught up with it at Maza-Maza Bus Stop. Although efforts were made to take the deceased to the nearest Hospital; the deceased, at the General Hospital, was confirmed dead.

At the trial High Court of Lagos State, the Appellant was tried and convicted on a one count charge of manslaughter contrary to, and punishable under Section 317 of the Criminal Code Law Cap. C17 Vol. 2, Laws of Lagos State, 2003.

The trial High Court per D. O. Oluwayemi, convicted the Appellant for the manslaughter charged. He was later sentenced to 7 years imprisonment. His appeal to the Court of Appeal, being unsuccessful the Appellant further appealed to Supreme Court.

### ISSUES:

The appeal was determined on the following issues:

i. Whether the decision of the Court of Appeal affirming the conviction and sentence of the Appellant on concurrent finding of facts was right when it was evident from the record that both the learned trial Judge and the learned Justices of Court of Appeal failed in proper evaluation of the evidence adduced in the case.

- ii. Whether the learned Justices of Appeal were right in relying on Exhibit A, Statement of the Appellant dated 20th September, 2008 as a confessional statement to rest the conviction and sentence of the Appellant.
- iii. Whether the learned Justices of Court of Appeal were right in affirming the conviction and sentence of the Appellant given the inconsistent and contradictory evidence of PW1 and PW2.

DECISION/HELD:

The appeal was unanimously dismissed.