

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on Criminal Law and Procedure.

FACTS:

This appeal is against the judgment of the Court of Appeal sitting at Akure upholding the conviction of the appellant by the Ondo State High Court for the offence of armed robbery contrary to and punishable under Section 1(2)(a) of the Robbery and Firearms (Special Provisions) Act CAP RI vol. 14 Laws of the Federation of Nigeria 2004.

The case of the prosecution was that on the 23rd October, 2009 the appellant, by the Fiwasaye Girls Grammar School Area, Akure, engaged the services of PWI, a taxi driver, to convey him and his eggs from Iju/Ita-ogbolu to Alagbaka Akure for three thousand naira. Off the main road and towards the spot where the eggs were stored, the appellant instructed PWI to stop the vehicle and hand over the key of the vehicle to him. Following PWI's resistance, the appellant brought out a cutlass from his black nylon bag and macheted the former on the head at which point in time someone emerged from the bush and assisted the appellant to drive away the vehicle. Not long after PWI had reported the incident at the Iju/Ita Ogbolu police station, the appellant was arrested. Appellant's confession led to the recovery of PWI's taxi cab from a painter's workshop in Okene, Kogi State. PWI identified the appellant at the Iju/Ita Ogbolu police station as the person who robbed him of his taxi cab on the 23rd October 2009.

Appellant's case at trial was a flat denial of the armed robbery. Even though in Exhibit B, his extra judicial statement, he confessed to the robbery and furnished information leading to the recovery of PWI's taxi cab from a painter's workshop in Okene, he insisted at trial that on the 23rd October, 2009 he was away in Okene to attend to his health challenges.

At the close of trial, including final addresses of counsel, the learned trial judge, in a considered judgment delivered on 24th July, 2013, found the appellant guilty and sentenced him as charged. Dissatisfied, he appealed to the Court of Appeal wherein Appellant's appeal was dismissed. Further dissatisfied, the Appellant appealed to the Supreme Court.

ISSUES:

The Court determined the appeal on this sole issue couched as follows:

"Whether the Court of Appeal was right in affirming the findings of the trial Court that the defence of alibi was not established by the appellant and that the contradiction and discrepancies in the extra judicial statement of PWI and his evidence are not material to cast doubt to the case of the prosecution."

DECISION/HELD:

On the whole, the Court found no merit in the appeal and accordingly dismissed same.