

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on Criminal Law and Procedure.

FACTS:

This is an appeal against the judgment of the Court of Appeal, holden at Ibadan in which the Court dismissed the appeal of the Appellant against the decision of the High Court of Ogun State, holden at Ijebu-Ode. The fact of the case are that on the 7th day of May, 2007 at about 9:30p.m. PW1 who was the Managing Director of FAO Constant Petroleum at Ilese Ijebu-Ode, Ogun State, closed for the day at the filling station and took the day's proceeds, the sum of N357,150.00 in his car along with one of his staff. While driving along the road he saw a motor cycle with three men coming behind him, which overtook and blocked his vehicle in the front. The three men attacked PW1 with broken bottles, beat him up severely and injured him. They escaped with the money and two mobile phones from the vehicle. The staff that was with him was able to escape. The robbers were pursued by good Samaritans who came to the assistance of PW1 without success. PW1 was later informed by his brother that he saw the 1st accused around the filling station earlier that day. The matter was subsequently reported to the police who arrested 1st accused who confessed to the crime and mentioned the name of the Appellant as one of the armed robbers. The Appellant was also arrested and he confessed to the crime and gave details of the role he played in the commission of the crime as a result of which they were arraigned for the offence of conspiracy to commit armed robbery and the offence of armed robbery.

At trial, the Appellant denied the charge and objected to the admissibility of the statement he made, which statement was later admitted after a trial within a trial. The trial Judge relied on the confessional statement along with other surrounding facts corroborating same in convicting the Appellant of the offence charged. Appellant was not satisfied with the decision and appealed to the Court of Appeal, which dismissed the appeal. The Appellant, still not satisfied further appealed to the Supreme Court.

ISSUES:

The Appellant formulated two issues for determination, which was adopted by the Respondent and the Supreme Court as follows:

- (a) Whether the trial and indeed the lower Court were right in admitting EXHIBIT "H" (the alleged Confessional Statement of the Appellant) in evidence and primarily relying on same for the conviction and sentencing of the Appellant.
- (b) Whether the prosecution was able to prove beyond reasonable doubt the ingredients of the offences of conspiracy to commit armed robbery and armed robbery against the Appellant based on the peculiar facts and circumstances of the entire case.

DECISION/HELD:

In the final analysis, the Supreme Court found the appeal unmeritorious and lacking in substance. It was accordingly dismissed.