

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on Criminal law and procedure.

FACTS:

This is one of the six appeals brought against the judgment of the Lagos Division of the Court of Appeal which affirmed the judgment of the High Court of Lagos State, Ikeja Judicial Division.

Appellant and five others and others said to be at large were arraigned on information containing 163 counts before the Ikeja Division of the High Court of Lagos State on 8th August, 2008. First and second accused persons before the trial Court were the Chairman, Board of Directors of Nigerian ports Authority and Managing Director of the Nigerian Ports Authority, respectively. Appellant as 3rd accused, and 4th, 5th and 6th accused persons (now appellants) were members of the Board of Directors of Nigerian Ports Authority. Each pleaded not guilty to each of the 163 counts of the information.

At the close of trial, the trial judge sentenced each of the defendants to 2 Years imprisonment on each of counts 59, 60, 61, 64, 65 and 67 respectively. Sentences to run concurrently without option of fine. Both the appellants and the prosecution were dissatisfied with the judgment of the High Court, with the appellants challenging their conviction and sentence before the Lagos Division of the Court of Appeal and the prosecution challenging the discharge and acquittal of the appellants in Counts 1-7 of the amended information. In its judgment delivered on the 21st day of January 2011, the Court of Appeal unanimously dismissed the cross-appeal while the conclusion arrived at by the lower Court on discharging and acquitting the appellants on Counts 1-7 of the amended information clearly with inflation of contract prices was affirmed. Still dissatisfied, the appellant further appealed to the Supreme Court.

ISSUES:

The Supreme Court determined the appeal on the issues as joined by the parties.

DECISION/HELD:

In the final analysis, the Supreme Court allowed the appeal, set aside the judgment of the Court of appeal and affirmed the judgment of the High Court. The appellants were discharged and acquitted.