

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on the offence of culpable homicide punishable with death.

FACTS:

The appeal is against the Judgment of Court of Appeal Kaduna division delivered on 21st February, 2014 which affirmed the judgment of Jigawa State High Court of Justice.

The appellant was arraigned before the trial High Court on allegation of causing the death of his wife Binta, on 30th April, 2007 at Falgore village in Jahun Local Government of Jigawa State by matchetting her to death on the head, contrary to Section 221 of the Penal Code of Jigawa State.

At the trial, the prosecution called five witnesses and tendered some exhibits in order to prove its case, while the appellant did not give evidence or call any witness but instead, he rested his case on that of the prosecution/respondent. Both parties at the end of the trial, waived their rights of address. In the end, the trial Court found the appellant guilty as charged and sentenced him to death.

Dissatisfied with the judgment of the trial Court, the appellant filed an appeal before the Court of Appeal which heard his appeal and affirmed the judgment of the trial Court. Further aggrieved with the judgment of the Court of Appeal, the appellant brought this appeal.

ISSUES:

The appellant and respondent distilled one issue for determination respectively. The Court determined the appeal on the respondent's issue as follows: "Whether considering the evidence adduced before the trial Court, the learned Justices of the Lower Court were right in dismissing the appeal of the convict/Appellant and affirming the judgment of the High Court of Jigawa State in Suit No.JDU/24C/2007 delivered by Honourable Justice A. M. Nakullum on the 24th of September, 2008 convicting the appellant for the offence of culpable homicide punishable with death"

DECISION/HELD:

In the final analysis, the Court held that the appeal lacked merit and it was accordingly dismissed.

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