

ALIBI

ALIBI – HOW DESTROYED – Once the trial court accepts credible [evidence](#) of prosecution witnesses, fixing the Accused at the scene of crime at the material time, his alibi is completely destroyed – IBE V THE STATE 1992 5 NWLR Pt. 244 642 at 649; ADETOLA V THE STATE 1992 4 NWLR Pt. 235, 267 at 267; UMANI V THE STATE 1988 I NWLR Pt. 70, 274; NJOVENS V THE STATE 1973 S.C.
AWOPEJO V STATE 2001 92 LRCN 3187

ALIBI – ACCUSED MUST GIVE PARTICULARS – HOW PROVED AND DISPROVED – BALOGUN V A.G OGUN STATE 2002 94.

ALIBI – MUST BE RAISED AT EARLIEST OPPORTUNITY – SALAMI V STATE 1988 3 NWLR 670
STATE V PETER EZE 1976 1 S.C 125 at 129 – 130
STATE V FRANCIS ODILI 1977 4 S.C 1 at 5 – 6
STATE V ODIDIKA 1977 2 S.C 21 at 23
EYISI V STATE 2000 82 LRCN 3071.

ALIBI – ONUS STILL ON PROSECUTION TO PROVE OFFENCE – Prosecution must prove beyond reasonable doubt that accused was at the scene – ADEDEJI V STATE 1971 1 ANLR 75;
PETER V STATE 1997 48 LRCN 556; 1997 3 NWLR Pt. 496 625 at 642.
DOGO V STATE 2001 83 LRCN 179

ALIBI – MEANING – FACTS WITHIN KNOWLEDGE OF ACCUSED – BURDEN – Accused has the onus to disclose such facts with necessary details

and particulars at the earliest opportunity – EYISI V STATE 2000 15 NWLR Pt. 691 555; AKPAN V STATE 2002 100 LRCN 1744; UDOEBRE V STATE 2001 88 LRCN 2144.

ALIBI – FAILURE TO INVESTIGATE – POSITIVE [EVIDENCE](#) – Failure to investigate may not be fatal where there is positive evidence of identification of Accused – NJOVENS V STATE 1973 5 S.C. 17; ODU V STATE 2001 87 LRCN 1656

ALIBI – EVIDENCE FIXING ACCUSED AT SCENE – FAILURE OF POLICE TO INVESTIGATE – NOT FATAL – HAUSA V STATE 1994 6 NWLR Pt. 350 P. 281; NJOVENS V STATE 1973 5 S.C. 17; UMARU V STATE 1988 I NWLR Pt. 70 274