THE HIGH COURT OF JUSTICE EDO STATE OF NIGERIA
IN THE AUCHI JUDICIAL DIVISION HOLDEN AT AUCHI
BEFORE HIS LORDSHIP HON. JUSTICE T. U. OBOH – JUDGE
ON TUESDAY THE 21st DAY OF FEBRUARY, 2017

BETWEEN: APPEAL NOS. HAU/1CA/2016
HAU/2CA/16
HAU/3CA/16
HAU/4CA/16
HAU/5CA/16
HAU/6CA/16
HAU/7CA/16

1. AZAMA BASHIRU
2. AKPE UMORU.
3. ABUBAKAR IGWEMOH — APPELANTS
4. UMORU ENAKELE
5. JAFARU IVIENAGBOR
6. EWELA AFEWAGBON
7. ATAIRU EGIEYA

A N D

COMMISSIONER OF POLICE é é RESPONDENT

J U D G M E N T

This is an appeal against the judgment of the Magistrate Court, Auchi delivered on the 26th day of February, 2016 in charge No. MAU/54C/11/B. The appellants were jointly arraigned on a 4 count charge. The first count was on conspiracy contrary to S.516 of the Criminal Code, while the second, third and fourth counts were on assault occasioning harm contrary to S.355 of the Criminal Code. All the appellants elected summary trial. The persecution called witnesses to prove her case against them. The appellants defended themselves and called no witness.

In a considered judgment, all the appellants were discharged and acquitted in count four for want of evidence. While in counts one and two each appellant was sentenced to one year each without any option of fine.

In count three each appellant was sentenced to one year imprisonment with an option of N50,000.00 each. All the sentences were to run concurrently.

Aggrieved, the appellants filed separate Notices of Appeal with one ground of appeal each.

With the leave of this court, each of the appellants filed a motion to amend the Notice of Appeal and filed Additional Grounds of appeal. The motion was filed on the 4th of July, 2016 and granted on the 20th day of September, 2016. Having regard to the fact that the facts and all the circumstances emanated from the same transaction, the learned counsel prayed the court for an order consolidating the appeal. See a ***FRN V DAIRO (2015) 6 NWLR (PT. 1454) 141***. It was granted the same day. This gave rise to the joint Appellantsô Brief of Argument.

The original ground of appeal and the additional grounds of appeal are hereby renumbered and reproduced verbatim without their particular except ground two as follows:

ñ1. That the judgment is unreasonable, unwarranted and cannot be supported having regard to the weight of the evidence.

2. The tone, tenure and contents of the judgment delivered on the 26th day of February, 2016 by the learned trial Chief Magistrate showed that he had lost his impression of the witnesses who testified, the character and nature of the offences charged and the oral and documentary evidence before him and in consequence he came to a palpably flawed conclusion that the respondent had discharged the onus of proof placed on him occasioned a very grave miscarriage of justice to the appellant.

PARTICULARS

(a) The appellant and the other accused persons were charged on 06/09/11.

(b) The first witness for the prosecution, PW1, Chief Isah Enakele, testified on 20/06/12.

(c) The learned defence counsel addressed the court on the 29/04/14.

(d) It took the court 1 year and 10 months after the address of learned defence counsel to deliver judgment on 26/02/16.

(e) 3 years 8 months and 8 days lapsed from the day the PW1, chief Isah Enakele testified on 20/06/12 till the day of judgment on 26/02/16.

(f) It took a period of 5 years to hear and determine a charge for conspiracy and assault occasioning harm.

(g) The trial of the 4 count charge before the court was supposed to be summary not protracted.

(h) On account of the long period of 5 years the trial lasted, the Chief Magistrate lost his impression of the witnesses, the nature of the charge pending before him as well as the oral and documentary evidence adduced and relied on by the parties.

3. The learned trial Chief Magistrate misdirected himself on the facts when he held as follows:

ó In proof of count I, the prosecution alleged the accused persons and others now at large conspired to commit the alleged

offence. The evidence placed before the court as elicited from P.W.1, P.W.2, P.W.3, and P.W.5 was that the accused persons and others now at large came to Ogagaôs Palace in four vehicles. That when they alighted from their vehicle, 5th accused pointed at P.W. 1 and said óthis is the manô. Thereafter, they started dragging P.W.1 and tried to put him in the booth of their car. Even P.W. 5 who was declared a hostile witness in her examination-in-chief corroborate (sic) this fact. She went further to state that she saw the accused persons beating P.W. 1 and that P.W. 1 was also stripped nakedô and this has occasioned a very grave miscarriage of justice to the appellant.

4. The learned trial Chief Magistrate misdirected himself on the facts when he held as follows:-

óAlso the testimony of PW2 an eye witness who gave a detailed account of how the accused persons and others at large drove into Ogagaôs palace in four vehicles was not shaken not even under the fire power of cross-examinationô and this has occasioned very grave miscarriage of justice to the appellant.

5. The learned trial Chief Magistrate palpably misdirected himself on the facts when he held as follows:

óI would also like to refer to the statement of PW5 Exhibit óEô to the police wherein she said as follows: The people who also participated in this act are Doctor Bash, Alhaji Umoru Enakere, Abu Kare. They came to Chief Umoru Ogagaôs palace and they

were beating Chief Isah Enakere. Also of PW5 in her examination-in-chief, said she was in her motherôs restaurant attending to customers when she saw four vehicles coming from Iyakpi. The vehicle stopped. All the occupants came down. They entered the palace close to her motherôs restaurant and started shooting and this has occasioned a grave miscarriage of justice to the appellant.

6. The Learned trial Magistrate misdirected himself on the facts when he held as follows:-

> óIt is also evidence led by P.W.4 that she took her daughter P.W. 5 to the house of the 5th accused person after she was injured by gun shots fired by one of the persons that accompanied 5th accused to the scene. That the 5th accused person pleaded with her and promised he will treat P.W. 5 even though he failed to fulfill his promise at the end of the day. These pieces of evidence highlighted above indicates (sic) that the accused persons acted in concert. Having reached this conclusion, it then presupposes that the act of the 5th accused personôs admitting to treat P.W.5 an inference that the other accused persons and others at large particularly Ramanu Akpaka were engaged in accomplishing the same common objective. On the whole, it is my view that the prosecution has established the essential ingredient of this offenceô and this has occasioned very grave miscarriage of justice to the appellant.

7. The learned trial chief magistrate misdirected himself on the facts when he held as follows:

> ôWith respect to count ii and iii, the accused persons are alleged to have assaulted P.W. 1 and P.W. 2. On this, I adopt the conclusions and decisions reached in count 1. Furthermore, I would also refer to the statement of the 1st accused person Exhibit L which he made to the police at the earliest opportunity. In Exhibit L, 1st accused admitted he had a scuffle with P.W. 1. The P. W. 3 also gave an eye witness account of how the 5th accused pointed at P.W.1 and how the other accused persons and others at large were dragging P.W.1. That, they also put him in the booth of their car. P.W. 3 further stated that P.W. 2 was assaulted while he was trying to rescue P.W.1 from the accused persons. This evidence adduced by the prosecution was not in any way discredited under cross-examinationô and this has occasioned a very grave miscarriage of justice to the appellant.

8. The learned trial Chief Magistrate misdirected himself on the facts when he held as follows:

> óAlso the 4th accused in his statement to the police Exhibit P admitted he saw P.W.1 and 1st accused dragging and his cloth was torn. This was also corroborated by the 1st accused person both in his statement to the police Exhibit L and his testimony on oath. That he had an altercation with P.W. 1 that later resulted to a scuffleô which has occasioned the appellant very grave miscarriage of justice.

9. The learned trial Magistrate misdirected himself on the facts when he held as follows:-

ôThe accused persons in their defence denied assaulting P.W. 1 and P.W. 2.. 1st accused admitted he had a scuffle with P.W. 1 but that it was P.W.1 who was the aggressor because the P.W. 1 assaulted him and tore his clothes. He also claimed he gave his torn clothes to the police. But when the I.P.O. P.W. 7 testified on oath, he did not tender the torn clothes belonging to 1st accused. He went further to deny on oath that he was not given any torn cloth by the 1st accused personô and this has occasioned a very grave miscarriage of justice to the appellant.

10. The learned trial magistrate erred in law when he held as follows:-

> ôHowever the court is not unmindful of the fact that a statement made to the police is not evidence before the court. But where the statement made by an accused at the earliest opportunity when the facts are still fresh in his memory is at variance with evidence led before the court on oath, the court will regard same as unreliableô and this has occasioned very grave miscarriage of justice to the appellant.

11. The learned trial Chief Magistrate misdirected himself on the facts of the case when he held as follows:

> ôThe 2nd accused personôs defence is that they were not in any way present at the scene. I do not believe this story. My grounds of disbelieve (sic) is deduced from the testimony of P.W. 3 an eye witness whose testimony was not in any way discredited during cross examinationô and this has occasioned very grave miscarriage of justice to the appellant.

12. The trial chief magistrate erred in law when he held that:

> ôHowever, I hold that the prosecution has successfully proved count (sic) 1, 11 and 111 against all the accused persons beyond reasonable doubt. The 1st ï 7th accused persons are found guilty in count (sic)1, II and III. The 1st ï 7th accused persons are accordingly convictedô and this has occasioned very grave miscarriage of justice to the appellant.

13. The trial Chief Magistrate erred in law when he held that:

> ôHaving considered the allocutus made by defence counsel, each of the accused persons (1st ï 7th accused persons) is sentenced to one year imprisonment in count III or a fine of N50,000.00 each. With respect to count I each of the accused is sentenced to one year imprisonment without option of fine. With respect to count II, each of the accused persons is sentence to one year imprisonment without option of fine. Sentence to run concurrentlyô and this has occasioned a grave miscarriage of justice to the appellantò.

While I. M. O. Obhahin-Mejele, Esq., and P. T. Braimoh, Esq., prepared the Appellantsô Brief of Argument, which came in with the leave of this court, it was argued by E. E. Esezobor, Esq.,

The appellantsô counsel formulated two issues for determination and tied them to the grounds of appeal as follows:

> ñ(a) Whether the judgment delivered by the lower court on 26/02/16 is not a nullity having been rendered in clear breath of the sacrosanct provisions of S.294 (1) of the 1999 constitution of

the Federal Republic of Nigeria (as amended) and therefore liable to be quashed and set aside (Ground 2).

(b) Whether the Respondent proved beyond reasonable doubt all the elements of the offences of conspiracy and assault occasioning harm that the appellants were charged with and convicted of, and if the answer is in the negative, whether the decision of the lower court to convict them for the offences was not unsafe, unwarranted and perverse (Grounds 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13).

On her part, the learned counsel for the respondent, A. J. Izuwaï Eweka (Mrs.) Senior State Counsel, who brought in the Respondentôs Brief of Argument with the leave of this court, formulated two issues for determination but failed to tie them to the grounds of appeal. They are as follows:

ñ1. Having regards to the totality of evidence adduced by the prosecution, the prosecution has successfully proved the case against the accused persons (Appellants) beyond reasonable doubt.

2. Whether the judgment of the trial court is against the weight of evidenceò

It is desirable for counsel for the appellant to state clearly in his brief the grounds from which each issue was formulated. This would be of tremendous assistance to a judge sitting on appeal. It is good practice and should be encouraged. But an appellantôs counsel is not bound; if he chooses not to do so. The practice is one of mere desirability and not

essentiality. That is to say, it should be regarded as procedure to be taken, but failure to comply would not be fatal. See ***ADEJUMO & 2 ORS V OLAWAIYE (2014) 12 N.W.L.R. (PT. 1421) 252***.

A respondent who filed no cross-appeal cannot formulate issue for determination in the appeal without reference to the grounds of appeal filed by the appellant. See

1. TUKUR V TARABA STATE GOVERNMENT (1997) 51 LRCN 1499.
2. FRANCIS & ANOR V CHRISTIANA ODUA & 3 ORS (2009) L.R.C.C.A. 451.

I have carefully perused the issues distilled for determination by the respondentôs counsel in her Respondentôs Brief of Argument. Although she did not tie them to the grounds of appeal, they are embedded in issue two formulated by the appellantsô counsel. This was not only gleaned from the issues alone but also in the arguments advanced in them.

While the appellantsô counsel distilled two issues and advanced arguments in support of same, the respondentôs counsel did not address the issue raised in issue one formulated for determination by the appellantsô counsel.

The respondentôs counsel did not in any way contest issue one in the Appellants Brief of Argument nor the arguments advanced therein.

Arguing issue one, the learned counsel for the appellants submitted that the lower Magistrate Court is a court established under the 1999 Constitution of the Federal Republic of Nigeria (as amended). He hinged his argument on the fact that the lower court was established by Edo State

House of Assembly in exercise of its legislative powers pursuant to S. 4(6) of the aforementioned 1999 Constitution. He referred to Magistrates Court Law, Volume 4 of the Laws of Edo State of Nigeria, 2011. He contended that the lower court derives its jurisdiction from that law. That it makes the court one of the courts in Nigeria that is susceptible to the provisions of S. 294(1) of the 1999 Constitution of Nigeria (as amended).

He posited that the lower court delivered its judgment on the 26th day of February, 2016, sixteen and half months after the final address of the learned defence counsel. He referred the court to page 52 lines 9 ï 10 of the record of appeal which read 29th day of April, 2014, but at line 22 of page 55 of the record of appeal, the presiding magistrate signed off at the end of the address of the defence counsel on 15/10/2014.

He contended that which ever date that is taken to be the correct one between the 29th day of April, 2014 and the 15th day of October, 2014, the lower court exceeded the 90 days a judgment is supposed to be delivered after the final address as provided for in S.294(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

He submitted that the judgment which is the subject of this appeal violated the provisions of S. 294(1) of the 1999 constitution. That at the time the judgment was delivered the magistrate had lost her memory of the facts of the case and therefore occasioned a miscarriage of justice to the appellants.

He argued that in a similar matter at Ibadan, while considering an application for the prerogative writ of certiorari to quash the judgment of a

magistrate court which was delivered ten months after final addresses, the Supreme Court of Nigeria quashed and set aside the judgment. He cited

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V.

1. **MONSURA LAWAL**
2. **KAZEEM ALIMI**
3. **SAIDI BELLO**
4. **AKEEM LAWAL**

V

1. **SENIOR MAGISTRATE GRADE II. MR. B. O. QUADRI OF MAGISTRATE COURT 4 IBADAN**
2. **COMMISSIONER OF POLICE OYO STATE (2013) 7 NWLR (PT.1354) 565.**

He posited that in his concurring judgment per Ngwuta J.S.C. laid to rest the misconception of some persons that the magistrate court is not one of those courts listed in the Constitution, therefore S. 249(1) of the 1999 constitution (as amended) is not applicable to it. That Magistrate Courts are established by the States by the powers donated to them under S. 4(6) of the 1999 constitution (as amended)

He submitted that it took the lower court either 22 or 16½ months which ever is correct to deliver her judgment after the final address. That the lower court lost the valuable advantage and opportunity of a trial court that saw and heard the prosecution witnesses and the appellants testify. He argued that in any case, S. 294(1) of the constitution is intended to ensure that a court delivers its judgment before the lapse of human memory. That

in this case the delay in the delivery of the judgment occasioned a grave miscarriage of justice to the appellant. He cited the case of ***ILOEGBUNAM V OBIORA (2012) 4 NWLR (PT. 1291) 405 at 455 – 456 Paragraphs G–F.***

To demonstrate the loss of the valuable advantage of seeing and hearing the witnesses and the appellants testify he submitted that the evidence of PW5 which exculpated the 6th appellant Ewela Afawegbon, 1st appellant, Azama Bashiru, 2nd appellant, Akpe Umoru, 7th appellant, Atairu Egieya and the 3rd appellant, Abubakar Igwemoh from the scene of the incident on the 25th of April, 2010 was not adverted to at all by the lower court.

He posited that the lower court lost the point that the P.W. 3 exculpated the 4TH accused person under re-examination. He argued that the lower court lost the evidence of the P.W. 4 that exculpated the 7th appellant, Atairu Egieya who was the 4th accused at the trial. That neither the P.W. 3 nor P.W. 5 who were touted to be eye witnesses placed the P.W.2 at the scene of the alleged crime on the 25th day of April, 2010 in exhibits óCô and óEô was missed by the lower court.

He submitted that the testimony of the P.W. 6 should not be relied on as he stated in his examination-in-chief that he saw, treated and issued medical reports for P.W. 1 and P.W.2 on the 26th day of April, 2010 but under cross examination, he stated that he examined P.W.1 on 27/4/2010 and P.W. 2 on 28/4/2010 and the lower court failed to reflect that in its judgment. Moreover, that the lower court missed the contradictions and inconsistencies in the evidence of the respondentôs witnesses. That due to

the long time between the hearing and judgment, the lower court failed to advert to the unusual statements of P.W.1 and P.W. 2 in exhibits óAô and óBô respectively. He referred to lines 32 ï 33 of exhibits óAô allegedly made on 25/4/2010, the P.W.1 generated the following narrative:

ñThe police came around and took me and Braimah Aliu ómô for Statement and treatmentò. He went further and stated that at lines 35 -39 of exhibit óBô allegedly made on 25/4/2010, the P.W.2 stated as follows:

> ñThey left the palace police came and took me and chief Isah Enakere óMô to the station and recorded statement from us and took us to General Hospital Auchi for treatmentò.

He submitted that the above narratives indicate that those statements were not made on the 25th day of April, 2010 but thereafter and that the stories were concocted. He argued that these statements were supposed to have been made by P.W.1 and P.W.2 before they were taken to the hospital for treatment. He contended that the P.W.1 and P.W. 2 recorded the event that had not taken place in their statement as it had already taken place.

He posited that on the ground of unreasonable delay in the delivering of the judgment, the appellants suffered injustice highlighted above and that by the provision of S.294 (5) of the 1999 constitution of the Federal Republic of Nigeria (as amended) the court should set aside the judgment. He cited the following cases in support.

1. OKEKE V STATE (2003) F. W. L. R. (PT. 159) 1381
2. EFFIOM V STATE (1995) 1 NWLR (PT 373) 507
3. ASAKITIPI V STATE (1993)5 NWLR (PT. 296) 641

I have carefully considered the submissions of the learned counsel for the appellants on issue one in this appeal. There is no doubt that the appellantsô brief of argument dated and filed on the 12th day of October, 2016 was served on the respondentôs counsel. The respondentôs brief of argument was dated and filed on the 31st day of January 2017. The respondent is presumed to have received the appellantsô brief of argument before the respondentôs brief was filed. From the two issues formulated by the respondentôs counsel and the arguments advanced in them, there is nothing whatsoever, that is touching on issue one formulated for determination by the appellantsô counsel. The determination of issue one formulated by the appellantsô counsel will be determined on the sole argument of the learned counsel for the appellants.

At page 52 of the record of proceedings, the defence counsel addressed the court. At the end of the address at page 55 of the same record, the matter was adjourned from the 15th day of October, 2014 to the 26th day of February, 2016 for judgment. It was headed ñFind address by defence counselò. The proceedings in a criminal trial starts from the day the accused person takes his plea. The appellants took their plea on 15/8/2011. From that day the prosecution put the appellants on trial. There are many factors that can give rise to a delay in the trial of an accused person. If the respondent had addressed this issue, the court would have been able to take a position on the issue. The court is therefore denied the opportunity or benefit of getting the views of the respondentôs counsel on the delay complained of by the appellants. It is not one of the duties of the court to speculate. The area that is free from speculation in this appeal is from the

day the defence counsel gave his final address when the case was subsequently adjourned for judgment. Having regard to the general circumstances where delay could arise from non-reproduction of the accused persons in custody or inordinate adjournments from counsel, the court could not be held liable for such delays because it has no control over them. But from the day of the final address till judgment, the court has control over it. From the very day the lower court adjourned from the 15th day of October, 2014 to the 26th day of February, 2016, it was clear that the lower court did not take the provisions of S.249(1) of the 1999 constitution of the Federal Republic of Nigeria (as amended) into consideration. It clearly manifested in the judgment it delivered on 26/2/2016.

I entirely agree with the learned counsel for the appellants that the lower court did not consider the contradictions and the inconsistencies in the evidence of the P.W. 1, P.W. 2 and P. W. 6 respectively. The P.W. 1 and P.W. 2 stated in their statements, exhibits A and B that after the alleged assault on them, they left the scene of crime on the 25th of April, 2010, the police took them to the station, they made their statements and were taken to the General Hospital for treatment. The P.W. 6 initially said he treated the P.W 1 and P.W. 2 on the 26th day of April, 2010. Later he said P.W. 1 came to him on the 27 day of April,2010.

I am of the opinion that due to the lapse of time from the day the court took the final address and the day the judgment was delivered, a period of about 16½ months, the presiding chief magistrate would have lost the advantage of seeing, hearing and watching the demeanour of the witnesses that appeared before him. He did not ascribe the probative value to the

evidence before him. As time do not favour beauty, so time is unfavourable to human memory. The lower court at least would have aired her opinion on exhibits óAô and ñBô that contained facts about their treatments that had not been received at the time they claimed that they had received it. That failure I believe occasioned a miscarriage of justice on the part of the appellants.

In **THE STATE**

V.

1. MONSURA LAWAL

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V

**1. SENIOR MAGISTRATE GRADE II.
MR. B. O. QUADRI OF MAGISTRATE
COURT 4 IBADAN**

**2, COMMISSIONER OF POLICE OYO STATE
(supra)**

an action was instituted to set aside a judgment that was delivered ten months after the final address by an order of certiorari. The argument was that the magistrate in that matter acted against the provisions of S. 249(1) of the 1999 constitution of the Federal Republic of Nigeria (as amended).

In his concurring judgment in that case, NGWUTA, J.S.C. had this to say at pages 593 ï 594 paragraphs H ï A.

ñThe Magistrates Court is established under the Constitution

and is therefore subject to S. 249(1) of the constitution.

In any case, S.249(1) of the constitution is intended to ensure that a court delivers its judgment before the lapse of human memoryò.

The ruling of the High Court of Justice Oyo State dismissing the trial of the applicants/appellants application which was affirmed on appeal by the Court of Appeal Ibadan Division. Its judgment was set aside and replaced with an order granting the order of certiorari.

I entirely agree with the learned counsel for the appellants that when he submitted that the lower court lost the memory of the facts of the case before her when she failed to refer to the evidence of the P.W. 5 where she stated that she did not see the 2nd, 5th and 7th accused persons at the scene on the 25th day of April, 2010. In her testimony in court on the 11th of June 2013, she did not say she saw any of the accused persons just mentioned above at the scene on 25/4/2010. When she was recalled on 13/6/13 she said she did not see the 2nd, 5th and 7th accused persons at the scene on 25/4/2010. If the trial magistrate had not lost the invaluable advantage of seeing, hearing and watching the demeanour of the witnesses before him to time, he would have made use of the obvious and glaring facts placed before him in the proceedings.

As I stated earlier in this judgment, the trial magistrate had control of the matter from the date the defence counsel delivered his final address. The inordinate delay would have been avoided if he had managed her time well. The provisions of S.249(1) of the Constitution was not given any attention. In the case of ***EFFIOM V. STATE (1995) 1 N.W.L.R. (PT. 373) at 507, per IGUH J.S.C***. referred to:

(1) EKERI & ORS V KIMISEDE & ORS (1976) 9 ï 10 S.C. 61

(2) AKPOR V IGURIOGUO (1978) 2 S.C. 115 and

(3) CHIEF YAKUBU KAKARA & ANOR V CHIEF OKERE & ANOR (1974) 4 S. C. 151 and stated that the delay that vitiated the judgments was mainly in respect of the period between the close of the evidence and the addresses of the one part and the dates of the judgments of the other part.

The above cases are in all fours with the case in hand. I have no reason whatsoever to deviate from the holding of the cases referred to above that the inordinate delay from the final address of counsel to the day of judgment can vitiate a judgment

Applying that principle to the case in hand, I am of the opinion that a case that was adjourned from the 15th day of October 2014 to the 26th day of February, 2016 suffered an inordinate delay in the hands of the trial magistrate. His memory of the facts of the case became blurred and the judgment he delivered sixteen months and two weeks after final address occasioned a serious miscarriage of justice to the appellants.

Having held that the inordinate delay between the defenceôs counsel final address and the date of the judgment resulted to a loss of memory of the facts presented to the trial magistrate, issue one is hereby held in the affirmative.

Having resolved issue one in favour of the appellants, I hold that this appeal succeeds. Going further to argue issue two or those formulated by the respondentôs counsel will be an academic exercise.

The conviction and sentence of the Magistrate Court Auchi contained in its judgment dated the 26th day of February 2016, in charge No. MAU/54C/11/B is hereby set aside.

HON. JUSTICE T.U. OBOH
JUDGE
21/2/2017

COUNSEL:

1, I. M. O. Obhahin-Mejele, Esq., P. T. Braimoh, Esq., and E. E. Esezobor, Esq., for the appellants.

2. A. J. Izuwa-Eweka (Mrs.) Principal State Counsel for the respondent.