

IN THE FEDEERAL HIGH COURT OF NIGERIA
IN THE OSOGBO JUDICIAL DIVISION
HOLDEN AT OSOGBO
ON WEDNESDAY THE 20TH DAY OF APRIL, 2016
BEFORE THE HON. JUSTICE M. A. ADAOBI OYETENU
JUDGE

CHARGE NO FHC/OS/70C/2015

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLIANANT

AND

ADEFISAYO SUNDAY - ACCUSED

Accused person present.

John Ameh for the prosecution.

Accused person represented by Counsel Olayinka Sokoya.

Sworn on the Holy Bible and states in English language the same is being interpreted into English language by Femi Oladimeji Court Registrar.

My name is Anwal Saleh Magaji. I am an Assistant Superintendent of Narcotics with the National Drug Law Enforcement Agency Osun State Command. I am the Central Exhibit Officer of the Command. I know the accused person.

M. A. Oyetenu

On 16/11/15 2 NDLEA operatives from Ile-Ife Area Command brought the accused person to my office. They are Olawumi Simeon and Ajala Azeez. They brought the accused person with some substance suspected to be cannabis sativa inside a polythene bag found with the accused. I asked the accused whether it was true and he said yes. I conducted a field test of the substance using United Nations kit and it proved positive to be cannabis sativa. I then weighed the substance and it was 700grams. I took a bit of the substance which I placed inside a transparent evidence pouch for further analysis. I issued 3 Exhibit forms namely Certificate of Test Analysis, Packing of Substance and Request for Scientific Aid form. The accused person signed and thumbprinted the 3 exhibit forms and the 2 officers signed the forms. I marked the 3 exhibit forms, the evidence pouch and the bulk of the exhibit with NDLEA No. NDLEA/OSSC/172/15. I then took the accused person to the investigation room where his statement was recorded in English language. On a latter day 29/1/16 I took the evidence pouch to our National laboratory where I delivered it. Later I collected the drug analysis report and a large brown envelope which I handed over to our office.

M. A. Oyelere

I can identify the 3 Exhibit forms in this case.

These are the forms.

Tenders the 3 forms as Exhibit.

No objection by counsel to the accused person.

To be admitted and marked as follows:

Certificate of Test Analysis Exhibit A

Packing of substance form Exhibit A1

Request for Scientific Aid Test Exhibit A2

I can identify the bulk substance in this case.

This is the bulk substance.

Tenders the bulk substance as Exhibit.

No objection by counsel to the accused person.

To be admitted and marked Exhibit B

This is the statement of the accused person.

Tenders the statement of the accused as Exhibit.

No objection by counsel to the accused person.

To be admitted and marked Exhibit C.

I can identify the large brown envelope in this case.

This is the large brown envelope.

Tenders the large brown envelope together with the
Drug Analysis Report as Exhibit.

No objection by counsel to the accused person.

To be admitted and marked as follows:-

M.A. Oyeleu

Large Brown Envelope Exhibit D

Drug Analysis Report Exhibit D1

Prosecuting counsel applies that Exhibit D be opened in Court.

Court: Open Exhibit D.

Exhibit D is opened in court to reveal a transparent evidence pouch containing analysed drug.

Tenders the transparent evidence pouch as Exhibit.

No objection by counsel to the accused person.

To be admitted and marked Exhibit D2. That is all.

Cross-Examination - Nil in view of plea

Re-Examination - Nil

END OF CASE FOR THE PROSECUTION

Prosecution applies that the accused person be convicted and sentenced.

Court: You have heard the facts as stated by the prosecution. Are the facts correct?

Accused person: Yes

Mr A. Oyebun

Judgment

Upon your own plea and admission of the facts as stated by the prosecution I find you guilty as charged.

M. A. Onyetenu

Judge

20/4/16

Record: Nil

Allocutus: Counsel to the accused person pleads for leniency stating that the accused person is a 1st offender.

Sentence: The accused person is very young just 18 years old, he is a 1st offender and his family are in court and have promised to purchase the necessary instrument he needs to start his furniture business. I will therefore give him another chance and be very lenient with him. The accused person is to serve a jail term of 12 months starting from date of 1st custody 13/11/15.

M. A. Onyetenu

M. A. Onyetenu

Judge

20/4/16

Order as to Exhibit

Exhibit B to be returned to the prosecution for destruction.

M. A. Onyetenu

M. A. Onyetenu

Judge

20/4/16

M. A. Onyetenu