

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE OSOGBO JUDICIAL DIVISION
HOLDEN AT OSOGBO
ON TUESDAY THE 19TH DAY OF APRIL, 2016
BEFORE THE HON. JUSTICE M. A. ONYETENU
JUDGE

CHARGE NO. FHC/OS/52C/2015

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

AND

OWOLABI ADELEYE - ACCUSED

Accused person present.

John Ameh for the prosecution.

Adedoyin Ajimale (Mrs.) for the accused person.

Counsel to the prosecution applies to substitute this charge with another dated 30/11/15.

No objection by counsel to the accused.

Court: Application is granted. Charge No.

FHC/OS/52C/15 is hereby amended as per charge filed on 30/11/15.

Court: Read the amended charge.

M. A. Onyetenu

Amended charge is read over and explained to the accused person in English language.

The accused person states he understands the charge and pleads guilty to the charge.

Prosecution states they are ready with the facts of this case.

Case for the prosecution opens.

1st prosecution witness.

Sworn on the Holy Bible and states in English language.

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

On 17/8/15 2 NDLEA operatives from Ile-Ife Force Command brought the accused person to my office with some quantity of substance suspected to be indian hemp. I asked the accused person about the substance and he stated he was arrested with it. I conducted a field test of the substance using United Nations kit and it proved positive to be cannabis sativa. The substance was brought in 2 bagco bags. The accused person denied one and accepted the other. I weighed the one he accepted and it

M-A. Oyetemi

was 750 grammes. I took a fraction of the substance which I placed in a transparent evidence pouch for forensic analysis. I issued 3 Exhibit forms namely the Certificate of Test Analysis, Packing of Substance and Request for Scientific Aid Test form.

The accused person signed and thumbprinted the 3 exhibit forms and the evidence pouch which the 2 officers signed. I took the accused person to the interrogation room where he wrote his statement by himself. On 29/1/16 I took the transparent evidence pouch to our National Headquarters in Lagos for forensic analysis.

On a later date I collected a large brown envelope with a drug analysis report. All the 3 exhibit forms and the large brown envelope have a number NDLEA/OSSC/132/15. That is all.

I can identify the 3 Exhibit forms.

These are the forms.

Tenders the 3 Exhibit forms as Exhibit.

No objection by counsel to the accused person.

To be admitted and marked as follows

Certificate of Test Analysis Exhibit A

Request for Scientific Aid Test Exhibit B

Packing of substance form Exhibit C

M. A. Oyetun

I can identify the bulk substance. 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 D

I have the confessional statement of the accused.

Tenders the statement of the accused as Exhibit.

No objection by counsel to the accused person.

To be admitted and marked Exhibit E.

Tenders the large brown envelope together with the drug analysis report as Exhibit.

No objection by counsel to the accused.

To be admitted and marked as follows:-

Large Brown Envelope Exhibit F

Drug Analysis Report Exhibit F1

Prosecution applies that the large brown envelope be unsealed.

Court: Unseal it.

The large brown envelope is now unsealed in open court and it reveals 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 F2. 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.

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

Accused person: Yes

Judgment

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

M. A. Onyetenu
M. A. Onyetenu
Judge
19/4/16

Record: Nil

Allocutus: Counsel to the accused pleads for leniency.

Sentence: The accused person is a 1st offender. He has not wasted the time of this court and appears sober and repentant. I will be very lenient. The accused is to serve a jail term of 12 months I. H. L. starting from date of 1st custody 17/8/15.

M. A. Onyetenu
M. A. Onyetenu
Judge
19/4/16

M. A. Onyetenu

Order as to Exhibit

Exhibit D the bulk substance is to be released to the
prosecution for destruction.

M. A. Onyetenu

M. A. Onyetenu

Judge

19/4/16

M A Onyetenu