

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE OSOGBO JUDICIAL DIVISION
HOLDEN AT OSOGBO
ON MONDAY THE 25TH DAY OF APRIL 2016
BEFORE HIS LORDSHIP
HON. JUSTICE MAUREEN ADAOBI ONYETENU
JUDGE

CHARGE NO: FHC/OS/23C/2015

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA COMPLAINANT

AND

SHOLA ABIDOYE..... ACCUSED

Accused person present
John Ameh for the prosecution
Evi Akintola (Mrs.) for the Accused person.

Prosecution ready with the facts.

Case for the Prosecution opens.

1st Prosecution witness.

Sworn on the Holy Bible and states in English language the same is interpreted into Yoruba language by a sworn interpreter Femi Aina Oladimeji Court Registrar.

My name is Samuel Magaji. I am an Assistant Superintendent of Narcotics. I am working with the National Drug Law Enforcement Agency Osun State Command. I am also the Central Exhibit Officer of the Command. I recognize the accused person.

On 3/4/15 2 NDLEA operatives namely Oyeyemi Oyekunle and Olalekan Serifa brought the accused person to my office with some quantity of dried weeds suspected to be cannabis sativa concealed inside a white polythene bag. They stated the accused was arrested

M-A. Onyetenu

at Osogbo. I asked the accused whether the story was true and he stated yes. I conducted a field test on the substance using United Nations Testing kit and the result proved positive to be cannabis sativa. I weighed the substance and it was 150 grams. I took a bit of the substance and put in a transparent evidence pouch for forensic analysis. I issued 3 Exhibit forms namely Certificate of Test Analysis, Packing of substance form and Request for Scientific Aid forms. The accused person signed and thumb printed the exhibit forms and the transparent evidence pouch while the arresting and witnessing officers counter signed the forms. I numbered the forms and the substance with reference No. NDLEA/EA/OSSC/040/15. I then took the accused person to our investigation unit where his statement was read in Yoruba language and translated into English language.

On the 14/3/16 I took the transparent evidence pouch to our National headquarters in Lagos where I submitted the parcel to the laboratory. On a latter day I went back and received a large brown envelope and a drug analysis report.

I can identify the 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

Packing of substance Exhibit A1

Request for Scientific Aid Test Exhibit A2

Tenders the bulk substance as Exhibit

No objection by counsel to the accused.

To be admitted and marked Exhibit B.

M-A. Oyelewa

Tenders the Statement of the accused person both in Yoruba language and English language as Exhibit.

No objection by counsel to the accused person.

To be admitted and marked as follows:

Statement made in Yoruba language Exhibit C

Translated version of statement Exhibit C1.

Tenders the drug analysis report and the large brown envelope as Exhibit.

No objection by counsel to the accused person.

To be admitted and marked as follows:

Large brown Envelope Exhibit D

Drug Analysis Report Exhibit D1

Prosecution applies that Exhibit D be unsealed.

Court: Unsealed it. 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

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.

MA - Oyeleke

JUDGEMENT

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



M.A. ONYETENU
JUDGE
25/4/16

Record: Prosecution states that the convict has been sentenced twice. First on 30/6/09 in case No. FHC/OS/3C/09 for 6 months and on 26/1/12 No. FHC/OS/17c/11 sentenced to 2 years.

Allocutus: The accused has not wasted the time of this court and according to his counsel the accused was left to fend for himself at a tender age.


SENTENCE

The accused person is not a 1st offender and it seems to me he goes back again and again. I am of the humble view that the accused is unrepentant. He is to serve a jail term of 4 years I.H.L. starting from 1st day of custody 3/4/15.


M.A. ONYETENU
JUDGE
25/4/16

Order as to Exhibit

Exhibit B to be released to the prosecution for destruction.


M.A. ONYETENU
JUDGE
25/4/16