IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA

THIS TUESDAY, THE 16TH DAY OF FEBRUARY, 2021

BEFORE: HON. JUSTICE ABUBAKAR IDRIS KUTIGI – JUDGE

CHARGE NO: CR/47/2019

BETWEEN:

COMMISSIONER OF POLICE FCT POLICE COMMAND ABUJA } **..... COMPLAINANT**

AND

ABUBAKAR SULE ……..……. DEFENDANT

RULING

The Defendant is standing trial on a two (2) Counts charge under the Child Rights Act 2003.

Hearing has commenced and in the course of the testimony of the 2nd prosecution witness, Inspector Victoria Joseph, the statement of the defendant dated 2nd August, 2019 said to have been recorded for him and voluntarily too since he indicated that he could not properly write in English was tendered. An objection was raised on the basis that the statement was obtained contrary to **Section 29 of the Evidence Act**, *id est*, that it was not voluntarily obtained. A trial within trial was then conducted to determine the veracity of the allegation and this Ruling is in respect of the voluntariness or otherwise of the making of the said statement.

The Prosecution called only one witness in the trial within a trial. Inspector Victoria Joseph of the State C.I.D testified as TWTP1. She stated that the statement dated 2nd August, 2019 was obtained at the State C.I.D General Office and that before it was taken the defendant was cautioned. She stated that the defendant informed them that he only finished Primary School and that he has problems in spelling, reading and writing and that he cannot write very well and therefore requested that he should be assisted.

She further testified that there were many people in the General Office which is an open room where the statement of defendant was taken as there were other Investigation Police Officers (I.P.O's) and Complainants in the room and that the tables and chairs of these IPO's are all visible. That after the statement was obtained, it was read to him; he confirmed and accepted it as his, he signed and dated it.

Under cross-examination, she confirmed that defendant was arrested at the Divisional Police Headquarters Airport Road on 26th July, 2019 and the matter was transferred to them about four (4) days later on 1st August, 2020.

She stated that his statement was not taken on that day because, he was brought in the evening and by the time he finished with the D.C., it was late at night and he was therefore detained till the following morning.

She stated that there were other IPO's and Complainants in the General room where the statement of defendant was taken. She stated that none of his family members or relations, his lawyers was with him when the statement was taken. She stated that the statement was also recorded electronically.

She finally stated she did not write the statement for the defendant and that she did not take it before a Superior Officer for endorsement.

With the evidence of TWTP1, the prosecution close its case.

The Defendant testified for himself at the trial within a trial. He stated that on 27th July, 2019, on his way to his workshop, he saw the father of the Victim and some Armed Prison Warders and they started beating him and he asked why and they did not respond but took him to the Police Station at Airport Road. That at the Airport

Police Station, one sergeant beat him and told him that he raped the complainant's daughter which he denied. That he was asked to write a statement and he said he could not write. That he was beaten again and taken to cell. That the following day, he was brought out of the cell and taken to their "Oga" who told him to write a statement and he said he could not write. That the "Oga" told him that if he cooperates, he will ask the father of the girl to leave him and he did not agree. That the "Oga" or DPO now wrote a statement and told him to sign and promised him again that if he signed, he will ask the father of the girl to leave him. He then signed.

The defendant stated that he was then taken to command and that on reaching there, he was asked if he raped the girl and he said no. That the IPO at command told him that if he cooperated, he will ask the father to leave him. That another statement of 2nd August, 2019 was prepared which he signed.

He stated that at the Airport police station, he signed two (2) statements. That in the first statement, he said he did not commit any rape. That the second statement he signed after the beating.

Under cross-examination, he stated that he cannot write very well. That it was what the IPO told him that he wrote at the Airport Police Station after he was beaten. He stated that he was taken to the D.C for interview without any beatings and that nobody beat him at the office of the D.C.

He stated that in the statement room, he gave permission for his statement to be taken because he could not write and that they were three of them in the room. That there were two women IPO with him and that the senior officer told him to cooperate and that if he does, he will be released. That after the statement was recorded, he was given to sign and nobody beat him.

Under re-examination, he said he wrote a statement on the very date he was taken or arrested. With his evidence, the defendant closed his case in the trial within trial.

The adduction of evidence in the trial within trial having been concluded, counsel on both sides of the aisle prayed that the court should allow them to address orally. The court deferred and allowed counsel to address orally.

Learned counsel on both sides than addressed or made submissions on the admissibility of the said confessional statement which forms part of the Record of Court. The defence counsel prayed or urged on court to hold that the statement was inadmissible, while the prosecuting counsel urged on court to hold that the statement is admissible.

I have considered the evidence adduced in this trial within trial as well as the submissions of learned counsel. Parties on both sides are agreed on the essence of what a trial within trial is all about; which is to ascertain if the extra judicial statement sought to be tendered in evidence was made voluntarily so as to be admissible in law. I will however take liberty to slightly tinker with the issue in order to make the issue more precise and succinct. Apropos the foregoing, the sole issue on the basis of which I will resolve this trial within trial is:

Whether the Prosecution has discharged the onus of proving that the statement of the defendant dated 2nd August, 2019 taken at C.I.D Office, FCT Command was made voluntarily?

Now, in the criminal trials, the prosecution has the onus of establishing the offence charged against an accused person beyond reasonable doubt. The easiest way to accomplish this and solve the crime is to get a confession. This is so because by **Section 29 (1) of the Evidence Act 2011**, a confession, if voluntary is a relevant fact against the person confessing. See **Ikemson V. State (1989) 3 NWLR (pt.110) 455 at 475 and Ihuebeka V State (2000) 13 WRN 150 at 176**. Furthermore, a free and voluntary confession of guilt made by an accused person if direct or positive is sufficient to warrant his conviction without any corroborative evidence as long as the court is satisfied as to the truth of the confession. See **Yesufu V. State (1976) 6 SC 167 at 163 and Idowu V. State (2000) 7 SC (pt.905) 292.** This being so, the law has laid down requirements to govern the conduct of the police in obtaining statements in order to ensure that the statements are voluntary and not obtained in any of the circumstances stated in **Section 29 (2) of the Evidence Act, 2011.**

The word **"voluntary"** is not defined in the Evidence Act. However, **Section 29 (2) of the Evidence Act, 2011** provides a guide on when a confession is not voluntary. By the said stipulation, any confession obtained by oppression or in

consequence of anything said or done which was likely in the circumstances existing at the time, to render unreliable any confession which might have been made in such a circumstance, shall not be allowed to be given in evidence. By **Section 29 (5) of the Evidence Act 2011**, oppression is defined to include torture, inhuman or degrading treatment and the use or threat of violence whether or not amounting to torture.

Generally, a confessional statement will not be admissible if it is obtained by operating on the hopes or fears of the accused person and in so doing, depriving him the freedom of will or self-control necessary to make a voluntary statement. Equally, the statement of an accused person must be free and voluntary, it must not be extracted by any sort of threat or violence or promise, however slight. A statement obtained from an accused person who had been threatened or otherwise violently dealt with cannot be admissible in evidence. The same is also true of a confession obtained through coercion, and coercion can be mental as well as physical.

In a trial within trial, the onus is on the prosecution to prove that the confessional statement is voluntarily made. See **Effiong V. State (1998) 5SCNJ 158 and Ihuebeka V. State (supra) at 176.** This onus never shifts. See **Nsofor V State (2005) All FWLR (pt.242) 397.**

It is also critical to situate the application of the provisions of **Sections 15 (4) and 17 (1) and (2) of the Administration of Criminal Justice Act, 2015** relating to the modalities for obtaining of confessional statement(s). Parties on both sides have given deferring opinion on the consequence of failure to adhere to these prescriptions of ACJA which I shall also address and see how it impacts on the outcome of the case.

Let us start by situating the evidence. In a bid to discharge this onus, imposed on it by law, the sole prosecution witness testified as to how the statement of the defendant was recorded which she said was voluntary as earlier highlighted in his evidence.

The evidence of this witness with respect to the critical elements relating to the modalities of how the statement was taken was not really challenged under cross-

examination. Besides the questions relating to whether any lawyer or relation of defendant was present at the time the statement was taken which I will shortly address, nothing was really made out during cross-examination situating fact of oppression within the purview of **Section 29 (5)** or that anything was done by the police in the circumstances and existing that would render unreliable any confession which may have been made by the defendant.

It is true or correct that failure to cross-examine will not minimize the standard of proof on the prosecution to prove that the statement of defendant was voluntarily obtained according to the requirements of the law but the point that must not be glossed over is that where an adversary fails to cross-examine a witness upon a particular matter or material point as in the present situation, the implication is that he accepts the truth of the matter as led in evidence. Where the evidence of a witness is unchallenged under cross-examination, the court is not only entitled to act or accept such evidence but is bound to do so provided that such evidence by its very nature is not incredible. See **Iwunze V FRN (2013) 1 NWLR (pt.1334) 119; Ofortete V State (2000) 12 NWLR (pt.681) 415**.

The defendant in his evidence did not say anything in substance to derogate from the position made out by the prosecution on how the statement was taken.

The point to make clear is that there are two clear and distinct phases to the evidence of defendant and the statement taken. The first phase was when he was arrested and taken to the Divisional Police Headquarters, Airport Police Station. He stated that he was beaten there and promised that he will be released if he cooperates before the statement at the Airport Police Station were taken. The extant statement of 2nd August, 2019 was not taken at this station.

The second phase was when he was taken to the State C.I.D FCT Command where the statement of 2nd August, 2019 sought to be tendered was now taken. The defendant never said he was beaten or tortured in making this particular statement. He agreed that because he could not write, he requested that the statement be written for him and he signed.

The contention that he was told by the IPO to cooperate and that she will ask the father of the victim to leave him if he does was not in any manner creditably

established in evidence. The nature of the inducement or promise and the advantage to be gained or evil, even of a temporal nature to be avoided was not in any manner streamlined. The defendant never stated that it was because of the promise that he made the said statement. Indeed it will be farfetched in the extreme, to accept that a father will accept to release anybody who raped and assaulted his daughter just because he agreed to have committed the act. In the absence of any evidence of any such promise to the defendant, the contention in my opinion lacks creditability and must be discountenanced.

The bottom line really within the purview of the clear and specific provision of **Section 29 (2)** and **(5)** is that there is nothing or put another way, there is no evidence from the defendant himself situating that his statement was obtained in a manner contrary to the provisions of **Section 29 of the Evidence Act**.

The whole essence of **Section 29** is targeted at ensuring whatever statement that is obtained from a defendant is a product of his freewill – no more. The Supreme Court in **State V Rabiu (2013) All FWLR (pt.684) 36 at 68** stated that the main object behind the conduct of a trial within trial is to ascertain whether the statement made by the accused person was made voluntarily. This really is the fundamental objective of trial within trial. Where there is however nothing shown or established vitiating this exercise of freewill, I incline to the view that the prosecution will have then done its job.

Where the voluntariness of a statement is in issue, the prosecution must adduce evidence as done here on how the statement was obtained before the evidential proof will shift to the defendant to lead evidence that will create even the slightest doubt in the mind of the Court. As already stated, while the standard of proof on the prosecution remains proof beyond reasonable doubt, the standard of proof on the defence is to raise doubt. See **Borishade V FRN (2012) 18 NWLR (pt.1332) 347**.

The prosecution at the risk of sounding prolix had adduced evidence on how the statement was obtained. The evidential burden shifted to defendant to create or raise doubt. On the evidence, the defendant has not been able to raise such doubt at all.

This now leads me to the consideration of the contentious provisions of **Section 15 (4) and 17 (1) and (2) of ACJA**. Learned counsel to the defendant contends that these provisions must be complied with and that where there is failure to adhere to the provisions as in the present situation, that the statement will be inadmissible. The case of **Akaeze Charles V FRN (2018) LPELR – 43922 (CA)** was cited.

Learned counsel to the prosecution did not really address this point in his oral address but the issue or question is no doubt important and continues to generate debate in legal circles.

What then is the correct import of the provisions of Section 15(4) and 17 (1) and (2) of ACJA with respect to the modalities for obtaining confessional statements.

The provisions provide as follows:

"15(4) Where a suspect who is arrested with or without a warrant volunteers to make a confessional statement, the police officer shall ensure that the making and taking of the statement shall be in writing and may be recorded electronically on a retrievable video compact disc or such other audio visual means.

17(1) Where a suspect is arrested on allegation of having committed an offence, his statement shall be taken, if he so wishes to make a statement.

(2) Such statement may be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organisation or a Justice of the Peace or any other person of his choice. Provided that the Legal Practitioner or any other person mentioned in this subsection shall not interfere while the suspect is making his statement, except for the purpose of discharging his role as a legal practitioner."

A communal reading of the foregoing provisions shows the following position in regard to the statement of a suspect arrested with or without a warrant on an allegation of having committed a crime:

(i) where he volunteers to make a confessional statement;

(a) the police officer (this includes any officer of a law enforcement agency established by an Act of the National Assembly – Section 494(1) of the ACJA 2015) shall ensure that the making and taking of the confessional statement shall be in writing;

(b) such statement may be recorded electronically on retrievable video compact disc or such other audio visual means;

(c) the statement of a suspect, confessional or not, may be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official of a Civil Society of a Civil Society Organisation or a Justice of the Peace r any other person of his choice.

It is not in contest that in the making and taking of the statement of the defendant, which are admittedly confessional in nature, the officers of the Nigerian Police did not record the same electronically on retrievable video compact disc or such other audio visual means and none was tendered during the trial-within-trial. It is also not in doubt that the statement of the defendant was not made and taken in the presence of legal practitioner. Equally none of the other persons listed in **Section 17(2) of the ACJA** was in attendance.

Now, what is the effect of the obvious non-compliance with the pertinent provision of 17 (2) in this case.

The Court of Appeal in **Akaeze Charles V FRN (2018) LPELR – 43922 (CA)** addressed this issue comprehensively and answered that failure to comply with these provisions is fatal and that the effect of non compliance is that the confessional statement is inadmissible.

It would however appear that the same Superior Court of Appeal in recent decisions have completely shifted from the position in **Akaeze Charles (supra)** and in the process altered the dynamics on the effect of non-compliance with these contentious provisions of ACJA.

In **AVM Olutayo Tade Oguntoyinbo V FRN (supra)**, the Court of Appeal donated the position clearly that the provisions of **Sections 17 (2) and 15 (4)** are not mandatory provisions but permissive and that non-compliance without more will not make the confessional statement inadmissible.

Indeed, in the said decision, the Court of Appeal introduced a fundamental and distinguishing dynamic to the debate to the effect that the Evidence Act being a specific Act on Evidence including trial within trial and admissibility takes precedence over the **ACJA** in matters of admissibility.

This later decision of **Oguntoyinbo** will appear to have gained more traction and acceptability in the following decisions of the Court of Appeal.

In **Nneoyi Itam Enang V The State (2019) LPELR – 48682 (CA)**, the Court of Appeal while construing similar provisions of the Administrative of Criminal Justice law of Cross River State similar to that in ACJA stated instructively as follows and I will quote the noble law lords in extenso thus:

"I have painstakingly examined the decisions of this Court in Joseph Zhiya V The People of Lagos State (2016) LPELR – 40562, Charles V FRN (2018) 13 NWLR (pt.1635) 50 and Nnajiofor V FRN (2019) 2 NWLR (pt.1655) 157 as regards the effect of failure to record confessional statement in the presence of the accused legal practitioner as contained in Section 9 (3) of the ACJL, of Lagos State, 2007 as well as 15 (4) and 17 (2) of the ACJA. In these decisions, this Court has found that non-compliance with the said provisions automatically rendered such statements impotent and inadmissible. In arriving at these decisions, the court did not in my view recognise the fact that the ACJA or ACJL as the case may be, are largely legislation in the realm of the ideal containing provisions that are for now clearly not enforceable and sometimes provisions that could only hope for enforceability in the nearest future. Section 1 (i) of the ACJA, 2015 for instance, states in clear terms that he purpose of the Act is to ensure that the system of Administration of Criminal Justice in Nigeria promotes efficient management of Criminal Justice Institutions, speedy dispensation of justice, protection of society from crime and protection of the rights and interest of the suspect, defendant and victim.

In any event, the above decisions did not as well take cognizance of the fact that Evidence is listed as Item 23 of the Exclusive Legislative List, part 1, 2nd schedule to the 1999 Constitution (as amended). Also, the Evidence Act being a specific Act on evidence including admissibility takes precedence over the ACJA in matters of admissibility. See AVM Olutayo Tade Oguntouinbo V FRN (unreported) Appeal No: CA/a/11c/2018 delivered on 14th June, 2018. Had this court considered and taken into account the hierarchical superiority of the Evidence Act over the ACJA in the cases of Joseph Zhiya V The People of Lagos State, Charles V FRN and Nnajiofor V FRN (supra), they would have come to a different conclusion. In other words, the ACJA or ACJL prescribes procedural rules to be observed while recording the statement of the accused defendant, but the Evidence Act, specifically regulates the rules of the admissibility of such statement."

Similarly in **Lawal Wilson Olusegun V FRN (2019) LPELR – 49432 (CA)**, the Court of Appeal stated as follows:

"Learned Counsel for the Appellant has also argued that the confessional statements were not recorded in compliance with Section 17 of the ACJA, 2015 in that it was not made in presence of the Appellant's Legal Counsel. I have read the provisions of Section 17 (1) and (2) of the ACJA, 2015. The operative word in sub-section (1) of Section 17 of the Act is "shall" which denotes a word of command or mandatorinees. That provision therefore creates an obligation on the police to record the statement of any person arrested on allegation of having committed an offence (if the person decides to make a statement). However, the operative word in subsection (2) is "may" which means a permissive or enabling expression. It means that the authority which has the power to do the act has an option either to do it or not to do it. It gives a modicum of discretion. The word "may" may also acquire a mandatory meaning if the context of the statute in which it was used demands so. It all depends on the circumstances of the case. See Edewor V Uwegba & Ors (1987) 1 NWLR (pt.50) 313; Bakare V A.G of the Federation (1990) 5 NWLR (pt.152) 516 and UniIlorin & Anor V. Oluwadare (2006) 14 NWLR (pt.1000) 751.

I have carefully read the case of Owhoruke V. C.O.P (supra) and Charles V FRN (supra). I do not understand that case to mean that the Supreme Court has laid it down that, any confessional statement not made in the presence of a Legal Practitioner must be rejected. Of course, where the accused person has made serious allegations against the police as to the voluntariness of the making of the statement, the court should take the fact of absence of counsel at the time of recording the statement into consideration in determining the weight to attach to such a statement. However to argue as learned counsel for the Appellant seems to do, that in all cases where the statement of an accused person is recorded in the absence of a legal practitioner, such statement should be rejected, would lead to absurdity, as an accused person who had consciously and voluntarily confessed to a crime will turn around at the trial, to retract the confession on the claim that his counsel was absent when he made the statement. I think therefore, that the facts and circumstances of each case, would determine whether or not the absence of a legal practitioner at the recording session of the confession, should be admitted r not. In any case, the Supreme Court, in my view has put the matter to rest in the case of Ajiboye V FRN (2018) 13 NWLR (pt.1637) 430 at 452 – 453 paragraphs H-B per Sanusi, JSC as follows:

"… On the alleged absence of counsel when it was recorded, I think that reason is not cogent as it is not incumbent upon the prosecution to record an accused statement only in the presence of his defence counsel. The important and essential thing is that the words of caution must be administered to the accused person to his understanding and to endorse same before he decides to make the statement. Evidence abounds that the words of caution were duly administered in the exhibits before they were duly signed. It is also noted by me, that the second confessional statement Exhibit "21" was made by the Appellant to his employers. Same was also recorded under words of caution and it was also subjected to a trial-within-trial, conducted by the trial court before it was admitted in evidence by the trial court which later found that it was also voluntarily made by the accused/appellant."

It is therefore apparent that a confessional statement which was fully proved to have been voluntarily made by the accused person cannot be rejected on the ground that it was not made in the presence of a Legal Practitioner."

Finally on this point, in the more recent case of **FRN V AVM Alkali Mohammadu Manu (2020) LPELR – 50293 (CA)**, the Court of Appeal restated the position in **Oguntoyinbo V FRN (supra)** and added as follows:

"**It is trite that the handling of evidence in any adjudication is primarily covered by the Evidence Act; any other legislation which makes provision for issues touching on evidence must take its subsidiary position to the Evidence Act. The ACJA is principally a procedural law and cannot therefore over ride the Evidence Act."**

I think the issue of the application of the provisions of **Section 15 (4) and 17 (1) and (2) of ACJA** on the basis of these decisions is now settled.

The later decision of the Court of Appeal as demonstrated have now radically altered the trajectory of the narrative with respect to the effect, import and application of the extant provisions of ACJA and similar provisions.

The law is settled that where there are apparently conflicting decisions of a Superior Court, the lower court is bound to be guided by the later decision(s).

As I round up, it may be necessary to draw attention to the case of **Owhoruke V COP (2015) 13 NWLR (pt.1483) 557** and particularly the dictum of Rhodes Vivour JSC as follows:

"Confessional statements are most times beaten out of suspects and the courts usually admit such statements as counsel and the accused are unable to prove that the statement was not made voluntarily. A fair trial presupposes that police investigation of crime for which the accused stands trial was transparent. In that regard, it is time for safeguards to be put in place to guarantee transparency. It is seriously recommended that confessional statements should only be taken from suspect if, and only if his counsel is present, or in the presence of a legal practitioner. Where this is not done such a confessional statement should be rejected by the court"

The case of **Olusegun V FRN (supra)** earlier cited dealt with this pronouncement. The point to perhaps add is that while the value of this pronouncement cannot in the least be understated but the obvious fact is that the decision never dealt with the application of the extant provisions of ACJA. The above pronouncement may give an indication as to the way the noble law lords may construe the provisions in the event the application of the provisions gets to the Apex Court but for now it is certainly no authority with respect to the import and application of the extant provisions of ACJA.

Perhaps adding another interesting context to the issue, the Apex Court in **Ajiboye V FRN (2018) LPELR – 44468 (SC)** in which the respected Rhodes Vivour JSC was part of the panel that decided the appeal stated thus:

"… on the alleged absence of his counsel when it was recorded, I think that reason is not cogent as it is not incumbent upon the prosecution to record an accused statement only in the presence of his defence counsel. The important and essential thing is that words of caution must be administered to the accused person to his understanding and to endorse same before he decides to make the statement. Evidence abounds that the words of caution were duly administered in the exhibits before they were duly signed. It is also noted by me, that the second confessional statement Exhibit 21, was made by the appellant to his employers. Same was also recorded under words of caution and it was also subjected to a trial within trial, conducted by the trial court before it was admitted in evidence by the trial court which later found that it was also voluntarily made by the accused/appellant."

The above pronouncement is very clear.

For me, the moral of the above pronouncements is simply to emphasise the need for the voluntary making of a confessional statement and that the facts and circumstances of each case should dictate or determine the admissibility of a confessional statement notwithstanding the absence of a legal practitioner at the recording session of the confession. I leave it at that.

In this case, there is nothing on the evidence showing that the statement in question was caused by threat, inducement or promise having reference to the charge

against the defendant proceeding from a person in authority and sufficient in the opinion of the court to give the defendant grounds which would appear to him reasonable for supposing that by making it, he would gain any advantage or avoid any evil of a temporary nature. See **Nwachukwu V State (2002) 2 N.W.L.R (pt.751) 366 at 389.**

As I round up, let me note even if none of the counsel in this case referred to the point that the statement was not taken before a superior officer for endorsement. Now the practice of taking on accused person who makes a confessional statement to a superior police officer to have the statement confirmed is not provided for in law or police Standing Order or indeed the Judges Rules. It is however a practice which has been commended by the courts. See **Nemi V. State (1994)10 SCNJ 1 at 28-29; Edhigere V. State (1996)9-10 SCNJ 36 at 42.** It is not the law, however, that where the practice is not followed, the statement should be viewed with suspicion or otherwise be rendered inadmissible. See **Nwigboke V. The Queen (1959)4 FSC 101; Ojegele V. State (1988)1 NSCC 276.** I leave it at that.

After a calm consideration of the evidence on record, I am satisfied that the statement of the defendant was not obtained by oppression or in consequence of anything said or done which was likely in the circumstances existing at the time, to render unreliable any confession which might have been made in such a circumstance. Put in more succinct language, I am satisfied that the statement of Defendant was not obtained as a result of any inducement, threat or promise having reference to the charge and which proceeded from a person in authority.

In conclusion, I hold that the prosecution has satisfactorily discharged the burden of proof thrust on it by **Sections 29(2) and 135(1) of the Evidence Act.** The statement of defendant dated 2nd August, 2019 is consequently admitted in Evidence as **Exhibit P2**.

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Hon. Justice A.I. Kutigi

Appearances:

1. **H.I.S. Bob-Manuel, Esq. for the Prosecution.**

2. **Yusuf Abdullahi, Esq., for the Defendant.**