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Crime

Man accused of beating wife to death freed for lack of evidence

By Clement A. Oloyede | Publish Date: Feb 14 2018 2:00AM

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A 46-year-old man arraigned by the FCT Police for allegedly beating his wife to death has been discharged and acquitted by an FCT High Court in Maitama for the inability of the police to prove the case beyond reasonable doubt.

Yakubu Bulus was charged by the police for causing the death of Hannatu Daniel "by repeatedly hitting her with his fist which resulted to her death."

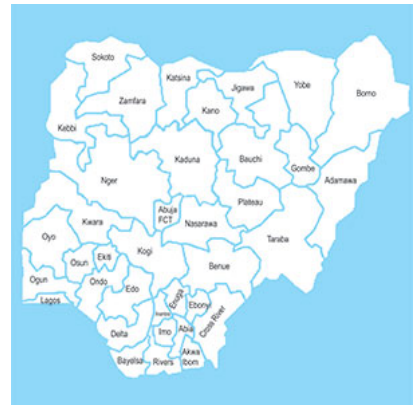
Delivering judgement yesterday, Justice Peter Affen held that the prosecution had not been able to prove that it was Bulus' act that caused the death of the deceased since the evidence laid before the court revealed that the assault happened on December 20, 2013 while the deceased died on December 24, 2013.

The judge held that where the deceased did not die on the spot, the issue of causation comes into play which must be proved beyond reasonable doubt, adding that the medical report tendered by the prosecution failed to pin the defendant down on the cause of death.

"The defendant confessed to beating the wife but since he was not standing trial for assault but for culpable homicide, it was left for the prosecution to prove that the deceased died as a result of the beating. No autopsy was conducted on the deceased to ascertain the cause of death," he held. The judge further noted that the mother of the deceased who was the nominal complainant reportedly told the police that the deceased only told her about the beating three days after the act and after she had visited a local masseuse. He held that prosecution failed to call both the nominal complainant and the medical doctor that observed the deceased when she was admitted to the hospital.

On the plea of the prosecution that the defendant should be convicted on the lesser charge of assault, Justice Affen held that a January 2018 decision of the Supreme Court has held that it is perverse and erroneous for an accused to be convicted of an offence without a formal charge.

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