

Man beats father to death over witchcraft

From Inlabasi Umo, Uyo

An Uyo High Court in Akwa Ibom State presided over by Justice Bassey Nkanang has sentenced 39-year-old Monday Philip to life imprisonment for beating his father to death.

Philip was said to have beaten his 68-year-old father to death over allegations that he was a wizard, and responsible for the inability of his (Philip's) wife to get pregnant.

The convict, a bricklayer from Mbiakpan Atan in Ibiono Ibom Local Government Area, was said to have subjected his father to some punches and pushed him down after his wife made some complaints against his father to him.

The prosecution told the court that even after a neighbour had carried the sexagenarian into his room, Philip locked him up in his room, and returned with a patent medicine dealer the next day only to find the old man dead in the room.

In his judgment, Justice Nkanang held that the invitation of the patent medicine dealer by the convict, was an indication that in spite of the unwarranted and unlawful assault on his father, he had no intention of causing his death, nor did he know that death would be the probable consequence of his action.

"Whereas it was the act of the accused person that resulted in the death of the deceased, the six circumstances provided for in Section 323 of the Criminal Code, Laws of Akwa Ibom State, which identify what constitutes murder, appear to be absent in the entire scenario of the case.

"The position of the court, on the extent to which evidence at trial has established the three ingredients of murder, is that the deceased is dead and the act of the accused person is responsible for the death. There is insufficient evidence to prove the third mandatory ingredient in a charge of murder.

"It is the position of the law that the particulars of the lesser offence must be capable of being subsumed in the original charge such that it is possible to carve out the lesser offence from the particulars of the original charge, which was murder.

"It is this law that vests the trial court with the power to convict for a lesser offence, where the ingredients of the said lesser offence are contained in the aggravated charge and are found proved," the judge stated.

The court, therefore, convicted Monday Philip for manslaughter and sentenced him to imprisonment for life.

Upon conviction, however, Philip, a father of one, pleaded with the court to have mercy on him, saying he is the only child of his father.