

# 13 passengers' death: Boat driver's no-case submission for ruling March 29

**J**USTICE Josephine Oyefeso of an Ikeja High Court has fixed March 29 for ruling in a 'no-case submission' filed by a boat driver, Elebiju Happiness, alleged to have caused the death of 13 of his passengers, including two children, in a boat mishap.

The accident happened on July 29, 2020, at about 5:45 pm on the waterways around Kirikiri, Lagos when his boat with 20 passengers capsized, killing the victims.

Elebiju is facing an 11- count charge brought against him by the Lagos State Government.

The offences contravened Section 224 and punishable under Section 229 of the Criminal Law CH C17 Vol. 3 Law of Lagos State 2015.

The state's Director of Public Prosecutions (DPP), Mrs Olayinka

By Adebisi Onanuga

Adeyemi, had alleged that Elebiju drove his boat, with the inscription "Mount Zion Transport" recklessly and dangerously and caused the death of the victims.

Elebiju pleaded not guilty.

Mrs Adeyemi closed the state's case against the defendant on February 4 after calling four witnesses, including survivors of the boat mishap.

Elebiju, instead of opening his defence, informed the court of his intention to file a no-case-submission.

At the resumption of proceedings last Thursday, Elebiju through his counsel, Samuel Ogungbamila told the court that the defence had entered a no-case-submission and had received the prosecution's reply to the submission.

"We have also filed a written address and we adopt the entire application as our argument in the matter", he said.

Ogungbamila prayed the court to discharge the defendant saying that the prosecution has failed to establish a prima facie case against his client.

Responding, the DPP told the court that the prosecution had also filed its response dated March 3, 2021, to the no-case-submission of the defendant.

Mrs Adeyemi said the prosecution adopted the address as their leading arguments in the matter and urged the court to hold that the defendant had a case to answer going by the evidence presented before the court.

Justice Oyefeso adjourned till March 29 for ruling.