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The deceased

Death for soldier convicted over rape, murder

— 15th February 2017

From Godwin Tsa, Abuja

At about 10am on Wednesday, March, 27, 2014, Lance Corporal Oge Etudo, a 30-year-old soldier serving at Lungi Barracks, Abuja, left his duty post and headed for Dei-Dei, a suburb of the Federal Capital Territory (FCT). Before leaving, he surrendered his rifle and ammunition to his colleague who was on guard at their commander's house.



But he had other weapons. He retained a jack knife and illicit thoughts.

On the day in question, he went to Dei-Dei in his full military uniform to see a friend, simply called Igwe, to discuss his wedding plans.

However, on his way back, he stumbled on a young woman who was selling milk by the roadside, and, like a bee attracted to a beautiful flower, he ordered the commercial motorcycle rider that was conveying him to stop. The biker complied without question and applied the brakes.

After alighting from the motorcycle, the young soldier promptly paid the biker and advanced towards his prey (the milk seller). Unknown to Etudo, somewhere in the corner, an old man was watching the proceedings with keen interest.

After a brief discussion Etudo ordered the woman to follow him and they went into the nearby bush. Not long after, he pounced on her, ripped off her blouse and raped her violently.

The soldier was not done. He brought out the jackknife and stabbed the lady in the neck and abdomen, leaving her to bleed to death.

The deceased was a 27-year-old married woman.

A security guard at a block industry who was watching events with suspicion, followed behind at a distance and his efforts paid off. He raised the alarm after watching the soldier while he was on top of his prey, stabbing her with a knife.

Although the now dismissed soldier attempted to run away from the scene of the crime, he was overpowered by some resilient young men who were attracted by the alarm. Today, the soldier, who was handed over to the police, has been convicted and sentenced to death.

Justice S.A. Adepoyu of the High Court of the Federal Capital Territory, Abuja, last week sentenced Etudo to death by hanging after pronouncing him guilty of culpable homicide.

The gruesome act, according to the police prosecution counsel, Simon Lough, offends sections 220 and 221 of the Penal Code.

Justice Adepoyu, in the ruling, stated that the accused showed no mercy in slaying the victim and so no mercy would be showed to him.

The two-count charge filed against the convicted ex-soldier reads:

"That you L/Cpl Oge Etudo, "M," 27 years, of Nigerian Army, Lungi Barracks, Abuja, on or about March 27, 2014, at about 1600hrs at Dei-Dei, near Conoil filling station, Abuja, within the Abuja judicial division, did commit culpable homicide punishable with death in that you caused the death of one Binta Usman Kadede "F" of Dei-Dei village, Abuja, by stabbing her in the neck and body with a knife which resulted to her

death when you knew that death would be the probable consequences of your act. You thereby committed an offence contrary to section 220 of the Penal Code and punishable under section 221 of the Penal Code.

"That you L/Cpl Oge Etudo, "M," 27 years, of Nigerian Army, Lungi Barracks, Abuja, on or about March 27, 2014, at about 1600hrs at Dei-Dei, near Conoil filling station, Abuja, within the Abuja judicial division, did rape one Binta Usman Kadade "F" of Dei-Dei village by forcefully having sexual intercourse with her against her wish and thereafter stabbed her neck and body with a knife to death, you thereby committed an offence contrary to section 282 of the Penal Code and punishable under section 283 of the Penal Code."



The accused pleaded not guilty to all the charges and filed a no-case submission, which was overruled by the court, while the prosecution called four witnesses and tendered 21 exhibits to prove its case.

When his no-case submission was thrown out, the accused testified and called no witnesses, but tendered his photographs which were marked as exhibits D1-D7.

While denying knowledge of the crime, the dismissed soldier said although he was at Dei-Dei on the date of the incident, March 27, 2014, he was only there to see a friend called Igwe to discuss his wedding plans with him.

"I was a guard commander in my Commander Tango's house. I took a break by 10am after submitting my arms and ammunition to my junior; I left to Dei-Dei to see my friend called Igwe at Dei-Dei to discuss about my planned white wedding.

"I stopped at Dei-Dei to urinate, in the process I was attacked by some hoodlums who inflicted injuries on me. I ran to the Conoil filling station," he said.

Led by his counsel, I.O. Agbapulu, he claimed that, at the time he was attacked, he was in his military uniform and had cash of N55,000 on him: "On reaching the Conoil, I shouted, 'thief! thief!' and fainted due to loss of blood. I did not know what happened until I regaining consciousness; I found myself in the hospital naked."

But the prosecution called four witnesses, Usman Ishaq, a security guard at a block industry in Dei-Dei who testified that he saw the accused person in a military uniform.

"He was a passenger on a motorbike (okada) when he came towards the deceased's side, he told the okada rider to stop. He dropped from the motorcycle and asked him to go. And he forced the deceased, a milk seller, into the bush.

"When I got to the point where they entered the bush, I met the accused person on top of the deceased with a knife. He was stabbing her in the neck and the abdomen," he said.

The witness said he mobilised people who helped to apprehend the soldier as he attempted to escape.

Other witnesses in the case were Usman Adamu, husband of the deceased, who testified as PW2, as well as Sergeant Yakubu Antiki, of Zuba Police Station and Anthony Iliya, a police officer attached to Zuba Police Station.

The prosecution counsel, Lough, tendered a medical report signed by Dr. A.U. Mukthar, a Chief Consultant Pathologist, Gwagwalada Specialist Hospital, Abuja.

The report, which was admitted in evidence by the court, read: "The body of a middle aged female with obvious sharp metal object injuries to the neck anterior abdominal wall around the umbilicus and around the vulva areas. The neck injuries revealed sharp metal lacerations on the back of the neck with cervical fractures and severe hemorrhage."

After evaluating the evidence and exhibits, Justice Adepoju held that the prosecution had proved its case against the accused person.

"The observation of the doctor stating that there were injuries around the vulva area with cervical fractures corroborated the uncontradicted evidence of the eyewitness who saw the accused person on top of the deceased with a knife and who when he saw him adjusted his trouser.

"The blouse worn by the deceased was ripped open around the neck and in front evinced the use of force and struggle with the deceased by the accused.

"The court would be satisfied that there was penetration even if the hymen was not ruptured or if there was no emission of semen. The slightest penetration is sufficient to conclude that there was penetration.

"I am satisfied that the prosecution has proven that the accused person penetrated the vagina of the deceased. Photographs of the deceased showed that the blouse that was worn by the deceased was ripped open around the neck and in front. This evinced the use of force and struggle with the deceased by the accused.

"The court held that the prosecution has established the required ingredients of the case of rape under section 83 of Penal Code. The accused is hereby convicted of the offence of rape.

"The accused person is hereby sentenced to death by hanging for the offence of culpable homicide under section 221 of the Penal Code. He is to pay the supreme price for his callousness and his ungodliness.

"He has shown no mercy by slaying the victim; I have no mercy for him as well. On the charge of rape, the accused is sentenced to five years imprisonment with hard labour. The terms are to run concurrently."

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