

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
ON MONDAY THE 17TH DAY OF NOVEMBER, 2025
BEFORE HIS LORDSHIP
HONOURABLE JUSTICE J. K. OMOTOSHO
[JUDGE]
CHARGE NO.: FHC/ABJ/CR/511/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA = COMPLAINANT

AND

1. PROFESSOR CYRIL OSIM NDIFON
2. BARRISTER SUNNY ANYANWU = DEFENDANTS

JUDGMENT

The Defendants herein were arraigned before this Court on a 4 counts Amended charge dated 19th January, 2024 but filed 22nd January, 2024, which read as follows:

Count 1

That you, Professor Cyril Osim Ndifon (M) sometime between the months of May and September, 2023 or thereabout at Calabar, the Cross River State Capital, within the jurisdiction of this Honourable Court, while being in the employ of the University of Calabar as Dean of Faculty of Law, caused one Miss TKJ (not real name), a diploma student of the University of Calabar to send pornographic, indecent

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and obscene photographs of herself to you through your mobile telephone number: 08037066222, vide WhatsApp chats and you thereby committed an offence contrary to and punishable under section 24 of the Cybercrime (Prohibition & Prevention) Act 2015.

Count 2

That you, Professor Cyril Osim Ndifon (M) sometime between the months May and September, 2023 or thereabout at Calabar, the Cross-River State Capital, within the jurisdiction of this Honourable Court, while being a public officer in the employ of the University of Calabar as Dean of Faculty of Law, used your Position to confer unfair advantage upon yourself by soliciting for nude (pornographic) photographs from one Miss TKJ (not real name), a diploma student of law of the University of Calabar through your mobile telephone number: 08037066222 vide WhatsApp chats and you thereby committed an offence contrary to and punishable under section 19 of the Independent Corrupt Practices and Other Related Offences Act, 2000.

Count 3

That You Barrister Sunny Anyanwu (M) sometime in the month of November, 2023 or thereabout, at Abuja within the jurisdiction of this Honourable Court, during the pendency of charge number

FHC/ABJ/CR/511/2023 between Federal Republic of Nigeria and Professor Cyril Osim Ndifon (the 1st Defendant) before this Honourable Court and on the prompting of Professor Cyril Osim Ndifon (1st Defendant) called one of the prosecution witnesses, T K J on her mobile telephone number: 07026725551 and threatened her not to honour the invitation of the Independent Corrupt Practices and Other Related Offences Commission in respect of the criminal investigation against Professor Cyril Osim Ndifon (the 1st Defendant), which conduct you knew was intended to perverse the course of justice and you thereby committed an offence contrary to and Punishable under Section 182 of the Penal Code Cap. 532 Laws of the Federal Capital Territory, Abuja, 2006,

Count 4

That you Professor Cyril Osim Ndifon (M) and Barrister Sunny Anyanwu (M) Sometime in the month of November, 2023 or thereabouts, at Abuja within the jurisdiction of this Honourable Court did conspire among yourselves to call T K J on her mobile telephone number: 07026725551, a prosecution Witness in charge number FHC/ABJ/CR/S11/2023 between Federal Republic of Nigeria and Professor Cyril Osim Ndifon during the pendency of the said criminal charge and threatened her not to honour the invitation of the Independent Corrupt Practices and Other Related Offences

Commission in respect of the criminal investigation against Professor Cyril Osim Ndifon which conduct you both knew was intended to perverse the cause of justice and you thereby committed an offence contrary to and punishable under Section 182 of the Penal Code Cap. 532 Laws of the Federal Capital Territory, Abuja, 2006,

The Prosecution in discharging the burden of proof on it called the following witnesses thus:

- | | | |
|---------------------------|---|-----|
| 1. Lucy Ogechi Chima | - | PW1 |
| 2. Miss TKJ | - | PW2 |
| 3. Mr. Kamgong Isaac Tami | - | PW3 |
| 4. Fungo Eika | - | PW4 |

For the Defence, the following persons gave evidence:

- | | | |
|---------------------------|---|-----|
| 1. Prof Cyril Osim Ndifon | - | DW1 |
| 2. Babagana Musa Mintar | - | DW2 |

The following exhibits were admitted in evidence as follows:

1. Forensic Analysis and Examination report dated 10th November, 2014 in respect of Tecno POVA LD7 Phone with IMEI No: 3517598719 8 9998/90004 with certificate of identification

- Exhibit A

2. A letter dated 25th January, 2021 from MTN to the Chairman of the ICPC

- Exhibit B

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3. A Petition from Basic Rights Law partners to the Chairman of the ICPC dated 15th September, 2023 - Exhibit C
4. The statement of the 2nd Defendant dated 27th November, 2023 - Exhibit D
5. Statements of the 1st Defendant dated 9th October, 2023, 11th October, 2023, 12th October, 2023, 24th October, 2023 - Exhibits E – E3
6. A letter from Airtel networks Ltd to the Chairman of ICPC dated 20th November, 2023 - Exhibit F
7. Timeline chat for request and receipt of Nude Video - Exhibit G
8. A printout marked as Appendix C with Certificate of Identification - Exhibit H
9. A document with certificate of Identification in respect of Phone with IMEI No: 3517598198998/ 9004 - Exhibit I
10. A printout of the screenshot of credit transaction alert and the certificate of compliance - Exhibit J- J1
11. Statements of PW2 dated 9th November, 2023 and 10th November, 2023 - Exhibit K – K1
- 12.2 change of custody documents - Exhibit L – L1
13. Faraday bags (evidence pouch) - Exhibit M
14. Oppo phone with its cord & charger - Exhibit N
15. Tecno POVA phone - Exhibit O

16. Release of evidence/examination completion form

- Exhibit P

17. USB flash with certificate of compliance-

- Exhibit Q

18. Forensic Analysis and examination report dated 10th January, 2024

- Exhibit R

19. A police report dated 4th August, 2016 titled Case of rape reported by Sinemobong Ekong 20 year old against Professor Cyril Osim Ndifon 51 years old

- Exhibit DWA

20. A record of proceedings in Suit Number: FHC/CA/M19/2016 Between Professor Cyril Osim Ndifon VS. ICPC and Sinemobong Ekong Nkang

- Exhibit DWB

21. A document titled Faculty of Law Dinner Awards-

- Exhibit DWC

22. Six pictorial documents with certificate of compliance-

- Exhibit DWD - DW6

23. A document dated 1st June, 2018 from the Office of the Divisional Police Officer

- Exhibit DWE

24. A letter dated 15th January, 2020 from Nigerian Bar Association addressed to Ann Agi and Concerned members of the Faculty of Law, University of Calabar class of 2014

- Exhibit DWF

25. Document dated 27th November, 2023 from Council of Legal Education addressed to Chairman of Independent Corrupt

(Signature)

(Signature)

Practices and Other Related Offences Commission with
attachments - Exhibit DWG

26. A subpoena Ad Testificandum dated 22nd January, 2025

- Exhibit DWH

27. A bundle of documents to wit: letter dated 8th August, 2024; a letter from the Federal High Court forwarding Exhibits N and O to the National Security Adviser with the order of Court attached to the letter; the National Digital Forensic Laboratory Report dated 8th July, 2024

- Exhibit DWI

PW-1: Lucy Ogechi Chima, is an investigator with the Independent Corrupt Practices and Other Related Offences Commission (ICPC), Abuja. She has served in the investigation department for 16 years and studied law at Obafemi Awolowo University (OAU).

According to her testimony; the Commission received a petition dated 15th September 2023, which was subsequently assigned to her team for investigation. The members of the team were: Mrs. Olubunmi Olusoga, Ms. Ezioma Okolo, Mr. Victor Okoroafo. The team was designated as the Sexual Harassment Investigation Team. They drafted an investigation strategy, which was reviewed and approved by the Director of Operations, before commencing the investigation. In the course of their work, the team issued letters of investigation to relevant institutions, including financial institutions. They gathered

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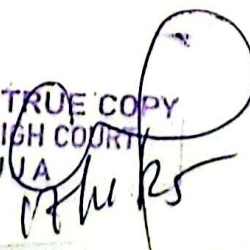
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sufficient information to advance the investigation, after which they invited both the witnesses and the Defendants. PW-1 stated that all the witnesses honoured the invitations and cooperated with the investigation. PW1 testified that the 1st Defendant failed to honour the Commission's invitation. The Commission then sought the assistance of the DSS, who effected the arrest of the 1st Defendant on the strength of a duly signed arrest warrant. The arrest was carried out on the 4th of October 2023, after which the Defendant was brought to the headquarters of the Commission.

PW1 continued that on the 6th of October 2023, the Commission obtained a remand order to enable further investigation. In the course of the investigation, the Defendants mobile phone was taken for forensic examination. A consent form authorising the forensic examination was duly presented to and signed by the Defendant in the presence of his witness, one Abang Ogar. Upon receipt of the mobile phone, it was placed on flight mode and secured in an evidence pouch in compliance with chain of custody procedures, before being handed over to the forensic unit of the Commission. Thereafter, the Defendant was interviewed in a conducive interview room, which was fully equipped with air conditioning and audio-visual recording facilities.

PW1 further stated that the 1st Defendant was thereafter issued with a statement form containing the cautionary words. The 1st Defendant



was reminded of his right to remain silent, but he voluntarily elected to make statements. PW1 added that the 1st Defendant was also reminded of his right to make such statements in the presence of his lawyer or a relative. The 1st Defendant read the cautionary words, confirmed that he understood them, and proceeded to make his statement in the presence of his counsel, who is the 2nd Defendant. PW1 stated that the statements of the 1st Defendant were thereafter recorded on a daily basis as required by the investigation team.

PW1 further testified that the preliminary reports which were received from the forensic unit of the Commission in respect of the Defendants mobile phone revealed the presence of nude pictures and videos of contacts on 1st Defendant's phone who were mostly his students. In particular, was the case of a young lady (T.K.J). This was due to the fact that the 1st Defendant was requesting for these nude pictures and videos of TKJ as currency for admission from the diploma class to LLB class.

PW1 then said, when the 1st Defendant was confronted with this finding, he refused to make any statement. However, the team went on a fact-finding mission to Calabar where they interacted with students and lecturers who identified the victims for the investigators. However due to the sensitivity of the case, the team did not take statements from any of the students.

PW1 stated that, in order to protect the identity of the victims, the team had to rely primarily on the forensic report. By that time, the 1st Defendant had been granted bail by a Magistrate Court, with an order that the victims should report to the ICPC every Friday. PW1 confirmed that the team had already returned from Calabar at this stage. PW1 continued that the investigating team thereafter confronted the 1st Defendant with the pieces of evidence gathered. The 1st Defendant, however, still refused to make any statement. The team was nevertheless able to obtain statements from TKJ as well as from sixteen (16) other individuals. Unlike in the initial stages of the investigation, these statements were reduced into writing.

PW1 testified that the victim reported receiving strange calls from a particular phone number. The caller allegedly introduced himself as a lawyer and a friend to the 1st Defendant. The team subsequently confronted the 1st Defendant with the nude pictures that had been extracted from his mobile phone, but he again refused to make any statement. Prior to this confrontation, the team had written to the relevant network provider requesting the identity of the said caller. A response was received through the Chairman of the ICPC. Following this, the investigating team confronted the 2nd Defendant, who is the 1st Defendant's lawyer, with the information obtained. However, the 2nd Defendant denied everything. He was then given a statement

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sheet, and he reduced his statements in writing in the presence of his lawyer. The forensic report and the call log and other information from the network providers, however, showed that he indeed called the victim. He was then made to sign a consent form to permit the analysis of his phone, which was witnessed by his lawyer, Barrister Fidelis Bissong. The phone was put in flight mode and put in the evidence pouch and handed over to the forensic unit.

PW1 stated that the results of the forensic analysis of 2nd Defendant's phone showed that he indeed called TKJ for about 679 seconds. Also that TKJ's phone number was forwarded to 2nd Defendant by the 1st Defendant. He forwarded this number while the matter was pending in court and while his phone was in the custody of the ICPC. The 1st Defendant had gone ahead to reclaim his line, claiming that it was lost. Meanwhile, he knew that his line and his phone was in the custody of the ICPC. The analysis revealed that he was soliciting for nude pictures from different victims. PW1 further stated that attached to Exhibit F is the call log of the 2nd Defendants phone, with number **080-800-83609**. The log showed that this line placed calls to phone number **070-267-25551**, belonging to TKJ. Specifically, the 2nd Defendant called TKJ on the 6th of November 2023 at about 1650 hours, making two calls.

PW1 testified that the calls emanated from within the plot of land located inside Plot 452, Ahmadu Bello Way. The documentation

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attached to Exhibit F also contains the subscriber information, which bears the picture and details of the 1st Defendant as the registered owner of the said phone line.

PW1 further stated that it was the 1st Defendant who sent the phone number of TKJ to the 2nd Defendant. The investigation also revealed that the number referenced in Exhibit I is the same number reflected in Exhibit F. Thereafter, the 2nd Defendant was shown to have placed calls to that number, as evidenced in Exhibit F.

Under cross-examination, PW1 stated that she was not the officer who carried out the forensic analysis. However, she reviewed the conversations and concluded that the relationship between the 1st Defendant and the victims was that of lecturer and students. PW1 confirmed that the 1st Defendant was the Dean of the Faculty of Law and the overall head of the faculty.

PW1 further stated that she did not know the specific courses which the 1st Defendant taught the victims. She admitted that there were interim reports indicating that investigation into the matter had commenced as far back as 2015. PW1 explained that although a warrant of arrest was obtained in 2023 against the 1st Defendant, the said warrant related to alleged offences dating back to 2015, during



which period the 1st Defendant had failed to honour invitations from the ICPC.

PW1 further stated that it was only after protests by students went viral that the Commission received a fresh petition against the 1st Defendant. PW1 stated that their fact-finding mission revealed that there were a lot of allegations of sexual harassment against the 1st Defendant and several panels had been set up by the university authorities. The offences continued from 2015 till when the investigators began their investigation.

PW1 testified that the 1st Defendant remained with the investigators for about fourteen (14) days. However, during that period, no questions were put to him regarding the victims, as the forensic report was not yet available. PW1 stated that the questions directed at the 1st Defendant related to allegations of sexual harassment dating back to 2015.

PW1 further stated that the investigating team did not conduct any inquiry into allegations of rape. She clarified that while an allegation of rape may be investigated at the preliminary level, the ICPC would not proceed further once rape is established, as such an offence falls outside the Commission's jurisdiction. PW1 added that although the Commission received a petition touching on rape, they declined

jurisdiction, as no formal complaints were received directly from the victims.

PW1 further stated that the Commission did not obtain a court order to examine the phones of the First and Second Defendants. She explained, however, that both Defendants voluntarily surrendered their devices and duly signed consent forms authorising the forensic analysis. PW1 added that the names of the victims were deliberately excluded from the list of witnesses, in order to ensure their protection and safeguard their identities. PW1 stated that they did not listen to the voice conversation between the victim and 2nd Defendant. Also that they do not know if the Diploma course is under the faculty of law but that the Dean has influence and who moves from the Diploma program to the faculty proper.

PW2 TKJ is a graduate of the Diploma Programme in Law of the University of Calabar. According to her, she knows the 1st Defendant as a former Dean of the Faculty of Law. She stated that she came across the 1st Defendant during her Diploma one programme when one of her uncles requested for his phone number and she asked someone to help her get the number. PW2 also stated that, upon the death of the 1st Defendant's mother, she sent him a condolence message on WhatsApp, to which he asked of her level, and she told him she was in the diploma program. Unknown to her, the 1st



Defendant had saved her number on WhatsApp. Subsequently, when she posted a selfie picture of herself, he saw the picture and commented, "Is this you?", and she replied, "Yes sir", and then he asked her to see him, but she said she was not in Calabar, and then he said whenever she was around, she should see him. Later on, he asked her if she was not back yet, and she told him she was back, and he asked her to see him in his office. PW2 went to see the 1st Defendant, but he had so many visitors with him, he asked her to sit and wait for him. After several hours, he dismissed all his visitors and asked her to lock his office door. She locked the office door as instructed, and then he stood up and asked that she give him a hug. He asked if she was scared, and she said yes. 1st Defendant according to PW2 then asked her not to be scared, that she should see him as a father, and that she was safe under his care. He then requested for a hug again. PW2 said she gave him a side hug. However, 1st Defendant said, Is that how she would hug her boyfriend?, and then she replied that she didn't have a boyfriend. Then he asked about the name of her village, and while he was asking, he held her waist and said she should not bother about admission, that he was the one who brought the Diploma in Law program to the Faculty of Law.

PW2 further testified that while holding her, the 1st Defendant asked if she was a virgin. She replied that she was, and when he pressed

further to confirm, she maintained that she was. He then asked if she would give him her virginity, to which she exclaimed, "Jesus". The 1st Defendant told her that she should give it to him, promising that he would secure her admission. She responded, *Okay sir, I will think about it.*

PW2 stated that the 1st Defendant thereafter touched her breast and remarked, *"I never knew that you were this big"*. Meanwhile, some people knocked on the office door, but the 1st Defendant refused to open, telling her to forget about it. He further boasted that he was the first person to give up to fifteen Diploma students direct admission into the LLB Programme of the Faculty of Law, and assured her that she need not worry about admission as he would take care of everything.

PW2 added that the 1st Defendant asked her to wait for him, stating that he would drop her at home before proceeding to his own house. PW2 further testified that she once missed a call from the 1st Defendant, and when she returned the call later that night, he asked her to come on WhatsApp so that they could chat. During the chat, she told him that she did not like the discrimination against Diploma students as compared to regular students. According to her, the 1st Defendant responded that he would do something about it. She also noted that they later missed each other's calls.

PW2 stated that the next encounter she had with the 1st Defendant was when she was going home with a friend after a long lecture day. A senior student called out to her from behind, and when she turned, she saw a lady dressed in black and white attire, indicating that she was a Law student. The lady mentioned her name and told her that the Dean, that is, the 1st Defendant, was asking for her. PW2 said she was surprised that the 1st Defendant had seen her, but she nonetheless agreed to go and see him, asking her friend to accompany her.

On arrival, they found many other students in the 1st Defendants office. He asked them to sit. PW2 said she told the 1st Defendant that she had had a very hectic day and would like to go, but he insisted that she wait until he finished with the other students. Some students later left, but others remained. The 1st Defendant then asked her to help him take some of his items to his car. PW2 complied. However, when she returned to the office, she discovered that the door was locked, and her friend was inside with the 1st Defendant.

After some minutes, the door was opened. PW2 stated that her friend quickly grabbed her upon stepping out, holding the book she was carrying. When she asked her friend what had happened, the friend told her that the 1st Defendant had asked her for a hug. PW2 further testified that her friend was very grateful that she had returned because she had been scared when the 1st Defendant asked her for a

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hug. She added that during one of the public holidays, the 1st Defendant called her on the phone and asked her to come down to the Faculty. She informed him that she was making her hair at the time, but he insisted that she should come immediately as she was. She pleaded with him to allow her finish, but he abruptly ended the call. A few minutes later, he called again to ask her location. When she replied that she was still making her hair, he again insisted that she should come like that and ended the call.

PW2 stated that she then put her phone on flight mode. Later in the night, when she switched it back on, the 1st Defendant called and said angrily, "Now your line can go through, very good" and ended the call without giving her the opportunity to explain. Out of fear, she sent him a WhatsApp message apologizing, as she was afraid of missing the admission he had promised her. She added that no one wanted to offend the 1st Defendant, as he was regarded as a demigod in the Faculty. She further stated that in her message of apology, she also added the words "I love you".

PW2 continued her testimony by stating that the 1st Defendant promised to assist both her and her friend in gaining admission into the Faculty. She recalled that on one occasion, when she and her friend went to see the 1st Defendant in his office, he sent her on an errand to look for a particular lecturer. While she was away, the 1st

Defendant locked himself in his office with her friend. PW2 testified that when she returned from the errand, she attempted to open the office door, but it was locked. The 1st Defendant's personal assistant then informed her that the 1st Defendant was inside with her friend. Later, when the 1st Defendant eventually opened the door, he saw her and remarked that she was the one he truly wanted, but that she was running away from him. 1st Defendant further asked her if she was jealous that he had been with her friend, and she replied in the negative. He then told her that she was forming for him by not answering his calls.

PW2 further testified that on one of the public holidays, the 1st Defendant called her and asked her to come to his office as early as 8:00 a.m. She rushed to the Faculty and found only the cleaner and a few workers present. The 1st Defendant then invited her upstairs into his office. When she entered, she saw some lecturers with him. He asked her to sit beside one of the lecturers, and afterwards told the lecturer that PW2 would be working with him in his office that day. The lecturer then left.

According to PW2, the 1st Defendant thereafter asked her to lock the office door. When she complied, he inquired if the direct entry registration had commenced. She replied that it had, and that she and her friend had already registered. The 1st Defendant then came close

to her, held her wrist, and told her to feel comfortable with him and stop panicking. He attempted to remove her trousers, but she held his hand and begged him, telling him that she was on her period.

PW2 stated that he did not believe her and insisted it was a lie. He then put his hand inside her private part. She said she felt bad and he eventually withdrew his hand. He asked when her period would end, and she told him. He then kept her seated on the chair, brought out his penis, and told her to give him oral sex. She refused, telling him she could not, but he insisted that she should not embarrass him.

At this point, PW2 said she was crying. The 1st Defendant then asked why she was crying, since, according to him, he had not even touched her. PW2 said she knelt down, begged him, and told him she would give him her virginity, but not that day. However, he continued coming close to her and attempted to force his penis into her mouth. She testified that she crawled around the office while he followed her.

PW2 further stated that the 1st Defendant told her not to bother about admission if she could only take in the cap of his penis. She continued begging him and eventually took his penis and placed it back inside his trousers. The 1st Defendant then told her to leave his office. She apologized, saying she was sorry, and he told her again to go home. PW2 stated that she eventually left.

PW2 stated that on getting to the hostel. She spoke with a female student who told her that there was nobody she could report to; however, PW2 due to her desperation for admission, decided not to tell anyone about what happened in 1st Defendant's office. Subsequently, she had to travel to Enugu to see her sick mother. While she was there, the 1st Defendant kept calling her and insisted that she ~~had to return that same week even though she planned to stay for 2~~ weeks. Later, he began to pressure her to send him a video of her putting 2 of her fingers in her private part to which she responded that she was a virgin and couldn't do that. He, however, kept pressuring her and she buckled under the pressure by sending the video. She thought that was the end of it. However, he kept asking for more of such videos, including a video of her naked and videoing herself from her chin down to her private part. PW2 stated that, out of fear of missing out on admission, she sent the requested video. However, she sent it in a view once format. The 1st Defendant then responded that he had mistakenly deleted it and asked her to send another one.

PW2 further testified that around this period, students of the Faculty of Law began protesting against the 1st Defendant over acts of sexual harassment he had allegedly committed against female students. According to her, the 1st Defendant boasted that he would return to the Faculty and that he would save only those who were alive. Out of

fear, some students began sending him messages of apology. PW2 further testified that the 1st Defendant later asked her to send him a nude video in order to make him happy, but she refused.

She stated that afterwards, she discovered on WhatsApp that the University of Calabar had set up a panel to investigate the First Defendant. According to her, the 1st Defendant sent her a Zoom link and password, instructing her to join the meeting and obtain information for him. However, she was unable to log in. He later sent her another set of login details, assuring her that her admission was still possible if she could log into the meeting and listen to what was being discussed. PW2 said he continued to call her persistently. When she asked him why he could not attend the meeting himself, he told her that he was not invited. She attempted to log in using her course mate's phone, but her course mate warned her that the 1st Defendant was only trying to put her in trouble. Nonetheless, the 1st Defendant insisted that she do as he had instructed.

PW2 testified that she eventually managed to log in, recorded parts of the meeting, and sent the recordings to the First Defendant. He then asked her to record more, but due to poor network, she could not. He encouraged her to find another way. He also told her to keep her direct entry slip, which he said he would need soon for her admission. PW2 added that when a congress was later held in the school, the 1st

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Defendant asked her what transpired. She told him that she had not attended, but had seen a video of the congress on her class platform, which she forwarded to him.

She further testified that the 1st Defendant subsequently called her and asked why she did not go to school that day. She replied that she had chest pains. He then told her that the University authorities did not like him, and that was the reason he had not been invited to the investigation.

Subsequently the 1st Defendant began to pester her that he wanted to see PW2 but she did all she could to avoid seeing him. He later came to her hostel in his car and asked her to give him her Direct entry slip. While in the car, PW2 said the 1st Defendant brought out his penis and asked her to give him a blow job but she begged him to release her. He also tried to put his hand in her trousers and she told him that she was on her period. The 1st Defendant also tried to bend her head to force her to give him the blow job. She resisted but he forced her until the penis ended up in her mouth. Afterwards he apologized to her and asked her to wipe her tears. Later on, the 1st Defendant sent her ₦3,000 to treat her neck. PW2 said she told her roommate all that transpired and the roommate advised her to go home and 1st Defendant was bent on taking her virginity.

PW2 continued that, a few days later, she heard that the 1st Defendant had been arrested by the DSS and thereafter granted bail. She testified that afterwards, she began receiving calls from a strange number. At first, she did not answer, but on one occasion she decided to pick up. According to her, the caller introduced himself as Barrister Sonny, the Second Defendant, and said that the 1st Defendant had asked him to call her despite the matter pending against him. The 2nd Defendant told PW2 that she was like his sister, since he too was from Enugu State. He stated that he blamed the 1st Defendant for everything that had happened, adding that, in fact, he even felt like flogging him. He further said that he and the 1st Defendant had been friends for a long time and were together in Abuja at the time.

PW2 testified that she told the 2nd Defendant that she had been traumatized enough. The 2nd Defendant responded that the 1st Defendant was to blame for everything. He then told PW2 that if the ICPC invited her, she should not attend; that if they gave her any papers, she should not write anything; and that she should ignore any call from ICPC. She further stated that during the call, her roommate urged her to end the conversation. The 2nd Defendant then asked her what she wanted and whether she had gained admission. When she replied that she had not, he told her that if she complied with his instructions, he would secure her admission into a better university,

17th Dec 2017

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outside Calabar. PW2 testified that, at her roommates prompting, she ended the call after telling the 2nd Defendant that she would call him later, although she never did. She also stated that she does not know 2nd Defendant and never met him.

Under cross-examination, PW2 stated that she is 22 years old. She testified that she entered the University of Calabar through the Institute of Public Policy and Administration (IPPA), which is an institution within the University of Calabar. She clarified, however, that IPPA is not under the Faculty of Law. She explained that while they took some courses from IPPA, they also took other courses from the Faculty of Law, and that the courses taken under the Faculty of Law were held in the Faculty of Law building.

PW2 further stated under cross-examination that, as a Diploma student, she took several courses from the Faculty of Law and mentioned some of the courses as well as the lecturers who taught them. She testified that she was not admitted into the Diploma programme through JAMB, and that she entered the University of Calabar in 2021. She further stated that she first met the 1st Defendant during the ASUU strike of 2022, which was also the period he lost his mother. She explained that her uncle had asked her, either in 2021 or 2022, to obtain the phone number of the First Defendant, but at that time the 1st Defendant did not give her his number.

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PW2 testified that she belonged to the Law Students Association group, and it was in that group that she sent a condolence message to the 1st Defendant upon the death of his mother. She also admitted that she met the 1st Defendant in his office on several occasions, as well as outside the school premises. She maintained that the 1st Defendant forced her to give him a blowjob and thereafter gave her ~~N3000 (Three thousand Naira) for treatment.~~ PW2 stated that she made a statement to the ICPC on the 9th and 10th of November 2023, but she did not mention the issue of blowjob to ICPC while making the statement because she was ashamed and embarrassed. PW2 mentioned some of her friends she told about the incident with 1st Defendant. She also said she did not tell the ICPC of the incident involving her friend being locked up in the office with 1st Defendant.

PW2 also stated that when she and her friend left the first defendant's office on that fateful day, they prayed that he did not touch any of them anymore. She said she finished her SSCE in 2018 because her result in literature and English was bad and she had to retake the subject in 2020. She also wrote JAMB in 2020 and scored 210 but was not admitted, so she had to take the diploma program, which was for two years. Due to her desperation for admission, she fell for the first defendant. She said when she retook WAEC in 2020, she was qualified to go to the university. She said she knows the requirements for

gaining admission into the University of Calabar. Her plan was to complete her diploma program and then seek admission into the university through direct entry. She said that the grading system in the Diploma in Law program includes distinction, upper credit, merits, pass, and fail. She said that to get into the LLB program from diploma, one had to get either an upper credit or a distinction. However, some ~~previous students who transited to LLB from diploma did so without~~ completing the diploma program through the first Defendant. Whereas those who performed very well did not get admission into the LLB program. PW2 also testified that she sent messages to the 1st Defendant advising him that the Vice-Chancellor and other lecturers were determined to go to any length to deal with him, and therefore he had to be careful. She stated that she was not personally acquainted with Professor Dada, the former Dean of the Faculty of Law, although she had heard about him. She further reiterated that the 1st Defendant had boasted that he would save only those who were alive. According to PW2, this statement instilled fear in many of the students, prompting them to send him messages in order to remain in his good books ahead of his return. She admitted that she also sent him a message, complaining that he was snubbing her.

Pw2 also stated that the pictures and messages, videos she sent to 1st Defendant were not sent willingly. However, she said that the 1st

Defendant did not point a gun to her head. And that she was never happy sending those pictures and videos to him. She said it was not her sister that saw the said videos but her friend, even though she told the 1st Defendant that it was her sister that saw the videos, in a bid to discourage him from asking for more of those sort of pictures. She said all the pictures were sent while she was in Calabar, except the one she sent while she was in Enugu. She also said that she did not inform the ICPC of the video she sent from Enugu.

PW2 also stated that the ICPC told her to summarize her story and so she did not write out everything that happened. She also stated that she has completed her Diploma program and her result had been released to her but she is yet to be admitted into the University.

PW3, Mr. Kamgong Isaac Tam. He is an officer of ICPC in Abuja, and is in the forensic division as the exhibit keeper. His job schedule includes investigation, and while investigations are ongoing, investigations apply through his head of division and exhibits are submitted to him, which he minutes, and he documents the exhibits, to ensure proper chain of custody is maintained. PW3 then assigns the exhibits to the forensic experts, who minutes and keeps them in the exhibit locker. Whenever a request is made for the exhibit, both the forensic keeper and PW3, both signs. He stated that he is the only one with access to the exhibit room, where he enters with his hand glove to touch any

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exhibits. According to him, in this case, he received two exhibits. One, an OPPO phone, and two, a TECNO phone.

Under cross examination, PW3 stated that the investigators whenever they need the phones apply through his Head of division who minutes same to him for necessary action. As Exhibit keeper, he secures and documents exhibits.

PW4, Fungo Elka is a Forensic and Intelligence Analyst with ICPC, and he has been with the ICPC since December 2021. Before he joined the ICPC, he served with NDLEA as Forensic Analysis for about 10 years. He is a Certified Digital Forensic Investigator and also a Mobile Forensic Examiner with trainings with regards forensics.

PW4 also stated that he studied Computer Science at the Federal University of Technology, Yola. He also has a certificate in Software Engineering with Management Studies in Kingston University, London.

According to him, in this case, he was asked to analyse a mobile phone. Having received all the documents, his duties was to use the industry standard tool and process it to extract, analyze and report findings. The device was assigned to his team and there was documentation that he used, a request for analysis form, which shows the investigators wanted to check the phone, which may include the call

logs, text messages, audio and visual files, as well as WhatsApp communications. The documentation was a consent form, which included the name of the owner of the device, as well as the password of the device, with a chain of custody form. He then went to analyze the mobile device, which was an OPPO A17K phone. The phone was properly charged and on flight mode, so as to avoid interruption during extraction. They continued the process until they were done.

PW-4 stated that the team utilized different methods for extracting information from the phone, including digital method before capturing the memory card which was sterile by wrapping the memory card. They also used a tool called Tableau to wipe the memory card. Having finished the extraction, they made analysis on the phone's download from the phone, then they issued a forensic report, and also made a timeline chart. Additionally, the Tecno Pova phone was assigned to the team for analysis, and they used the same process in analyzing it, and then they produced a report as well as a timeline chart.

PW4 stated that even though WhatsApp will not show the phone number of the owner, but will show the number that the person is chatting with, that it was also discovered that from Exhibit N, 5 requests were made for nude videos were made to TKJ and two videos were sent from TKJ. That the 1st Defendant also made at least 17

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requests for nude videos from 4 other contacts. PW4 continued that in Exhibit I, the phone number of the 1st Defendant is stated as 2348037066222.

Under cross examination, PW4 stated that there was a chat where TKJ stated that she was not comfortable sending chats (Exhibit R). Also that the acts of TKJ were involuntarily done. PW4 further testified that his analysis was conducted pursuant to the Request for Analysis form.

He stated that there was no court order authorizing the analysis; however, a consent form from the owners of the devices, together with the Request for Analysis form, was provided. The request for analysis covered the period from 2015 to date.

He testified that Exhibit A is the analysis report for the Tecno Pova phone, which corresponded to Exhibit O. However, there was no data or report covering the period between 2015 and 2020 on that device. According to him, Exhibit A had no restrictions and reflected communications between TKJ and the 2nd Defendant, though the exact conversations could not be extracted. What was available only showed the duration of communication between TKJ and the 2nd Defendant, without the content of the exchanges.

PW4 further stated that Exhibit R is the analysis report for the OPPO phone, which corresponded to Exhibit N. The request had equally

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directed that analysis be conducted from 2015 to date, but there was no data on the device covering the years 2015 to 2020, and likewise, there was no report for 2021 and 2022. He also testified that he was not aware that TKJ began an affair with the 1st Defendant in 2021. Furthermore, he noted that from Exhibit H, a message originated from TKJ to the 1st Defendant. PW4 stated that he was not privy to the conversation between 1st Defendant and TKJ and that during the analysis, they found the pictures.

DW1, Professor Cyril Osim Ndifon. He is resident of No. 4, Etogo, Calabar, and works at the Faculty of Law, University of Calabar. He is the first Defendant. According to DW1, he became a professor in 2012. He also stated that he used to be the Dean of the Faculty of Law up until 14th of August, 2023, when he was arrested by ICPC. He stated that on the 4th of October, 2023, ICPC came to his house at Akpabuyo at about 11.33pm with DSS. They stormed his house and in the process they arrested him and even killed one of his dogs. He also stated that when they came to arrest him, they showed him a warrant of arrest and the reason for his arrest was in violation of the ICPC Act in respect of an incident which occurred in 2015.

DW1 stated that the said incident in 2015 involved an allegation of him raping a lady twice. He stated that the matter was initially investigated by the Police in Cross River State and later escalated to the Office of

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the Attorney General as well as the Inspector General of Police. Following a thorough review, it was concluded that DW1 had no case to answer. The matter was subsequently transferred to the Office of the Attorney General of the Federation, which also reviewed the case and found him innocent.

DW1 further stated that the multiple transfers of the case were instigated by a group known as the Feminist Forum, which had petitioned the Inspector General of Police to exercise his office in investigating the 1st Defendant. He added that after the review by the Attorney General of the Federation, the matter was referred back to the Attorney General of Cross River State, since rape is classified as a state offence. DW1 stated that a report was issued by the police exonerating him.

DW1 also stated that while the investigation was still pending, the ICPC invited him in respect of the same offence. He testified that upon receiving the invitation, he informed the Commission that it lacked the requisite authority to reopen or duplicate a matter that had already been investigated. Consequently, he approached the court for redress. That a former Chairman of the ICPC had vowed to investigate him for rape. He also stated that one Barrister Shogunle was an investigator of the 2015 matter in Calabar and also this instant charge. That at the time he was investigating the matter in Calabar, the

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University of Calabar conferred an award on the said Mr. Shogunle which was baffling to DW1. He said when he informed the ICPC that the allegations against him had been dismissed by the Attorney General of the Federation, the investigators told him that do not care.

DW1 stated that upon his exoneration, he was warmly received by staff and students of the Faculty of Law and he was subsequently elected as Dean. He also stated that he was the subject of a conspiracy when he was alleged to be involved in an armed robbery incident. That the conspiracy was by persons unhappy with his appointment as acting Dean. DW1 was also exonerated of the rape allegation by the NBA disciplinary committee, South South Zone. DW1 further stated that after his arrest by the ICPC he spent several days in the detention facility before he was asked to make statements. That he was never asked about the allegation involving TKJ. He said his phone (Exhibit N) was not released willingly to the ICPC officers. That the said phone is not his main phone and the number connected to the phone is 08037066222.

DW1 said he got to know PW2 through her uncle, who is a reverend in the United States of America. That the uncle sent him a message complaining that his niece, that is, PW2, paid someone the sum of N100,000 for admission into the University of Calabar. And he should please see how he can retrieve the money. DW1 said he found the

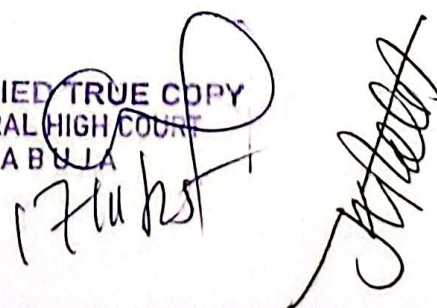
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message insulting. However, PW2 then got in touch with him. He further stated that PW2 also complained to him about the same issue. In response, he informed her that her JAMB score was too low for admission into the Faculty of Law. He advised her that, since she had already commenced the Diploma in Law programme and the admission process had closed, she should focus on working hard to obtain good grades. According to him, this would make it easier for her to secure admission into the Faculty of Law on merit, without needing the assistance of any person. DW1 denied sending or requesting nude pictures from PW2. That the number displayed is not the number he used in chatting with her. He said PW2's number he communicates with is 09057638137. He stated that during the extraction of data from Exhibit N, he was never invited and that TKJ (PW2) had been admitted into the Faculty of Law even though she was penciled to write supplementary exams showing that she was not qualified for admission. DW1 also stated that the allegations against him occurred when he had left the Faculty. He states that he was shocked to hear PW2's testimony against him.

Under cross examination, DW1 stated that he had been elected Dean of the Faculty on three occasions. Also that there are some lecturers who teach law courses in the Diploma program as well as in the main faculty of law. He confirmed that Sinemobong Nkang who accused

him of rape in 2015 was a student of the Faculty of Law at the material time. Also that his accuser had been caught engaging in examination malpractice and he had been part of the panel set up to investigate his accuser. DW1 stated that the phone number 08109362617 belongs to his wife. He also stated that even though he lost his suit against the ICPC, they ought not to arrest him since the matter was now on appeal before the Court of Appeal. DW1 stated that he could not vouch for the authenticity of Exhibit H. He denied that 2nd Defendant as his lawyer petitioned the Nigerian Law School making allegations of examination malpractice against Sinemobong Nkang. That the said Sinemobong lied on her law school application form when she stated that she had never been accused of examination malpractice. DW1 stated that it was likely he sent the sum of N3000 (Three Thousand Naira) to TKJ. That the ICPC may have picked up his other phones apart from Exhibit N. He said he had probably sent money on different occasions to TKJ but he is surprised that the receipt was printed from TKJ'S email rather than from her phone.

DW2, Babagana Musa Mintar, he is a police officer attached to the office of the National Security Adviser in the Digital Forensic Unit. He stated that he was subpoenaed to testify in this matter. DW2 is a graduate of Statistics and Mathematics from the University of

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Maiduguri. He has taken several courses in forensics and was posted to the Office of the National Security Adviser in 2017.

According to him, exhibits N and O were brought to him in the forensic unit. He stated that extraction of data was made from the phones and a report was made on the extraction. DW2 stated that they used a Universal Forensic Extraction Device 2 for the extraction. He stated that a forensic analysis on the two phones revealed no nude photos, emails, voice recordings or text messages. He stated that their laboratory is mentioned in section 41 (d) of the Cybercrime Act and their physical address is located at Number 26, Addis Ababa Crescent, Wuse Zone 4, Abuja. DW2 stated that in the report, they stated that the examination conducted by their lab (National Digital Forensic Laboratory), could not conduct analysis on the phones as the Whatsapp application installed on the phones had become outdated. That there was need to return the phones to their owners to update the application themselves. DW2 also stated that his office played no role in the arrests of the Defendants.

Under cross examination, DW1 stated that he has been undertaking forensic work for about 5 years and that there are ICPC staff working in the National Digital Forensic Laboratory. He mentioned the name of one Wole and Galadima and that he has interacted with the said ICPC officers. He also stated that he was aware of their posting to the

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laboratory. He confirmed that the forensic instrument used to derive Exhibit H is the same as the forensic device they use in the National Digital Forensic Laboratory. Also that the forensic laboratory of the ICPC can do the same work as the National Digital Forensic Laboratory.

Counsel to the Prosecution in his written address against the 1st Defendant dated 30th September, 2025 but filed 2nd October, 2025 formulated a sole issue for determination thus:

Whether from the entirety of the evidence presented before the Court, the prosecution has established the offences of conferment of unfair advantage, requesting for pornographic, indecent and obscene photographs and conspiracy to pervert the course of justice against the 1st Defendant in line with the well-established principle of proof beyond reasonable doubt as required by law.

Learned Counsel submitted inter-alia that the 1st Defendant indeed knowingly caused PW2 to send pornographic, indecent and obscene pictures to him via his mobile telephone number: 08037066222. That the 1st Defendant caused her to send these nude videos and pictures against her wish with the promise of giving her admission into the LLB programme of the faculty of law. Counsel urged the Court to consider Exhibit H to hold that it was not sent voluntarily. Counsel submitted

that nudity is an obscene visual which is offensive to standards of morality. Counsel relied on **STATE VS ABUBAKAR (2022) 5 NWLR (PT. 1824) 467 AT P. 501 PARAS A-B** to urge the Court to rely on the unchallenged evidence of the Prosecution to find the 1st Defendant guilty of count 1 of the charge.

For count 2, learned Counsel submitted that there is no dispute that the 1st Defendant is a public officer and his action of requesting for nude videos from PW2 meant that he abused his office by conferring an unfair advantage to himself to the detriment of PW2. Counsel urged the Court to convict the 1st Defendant of count 2 of the charge.

With respect to count 4, learned Counsel argued that the prosecution has successfully proved the ingredients of conspiracy to pervert the cause of justice against the Defendants and as such they should be convicted as charged.

Counsel to the Prosecution in his final written address against the 2nd Defendant dated 30th September, 2025 but filed 2nd October, 2025 formulated one issue for determination thus:

Whether from the entirety of the evidence presented before the Court, the prosecution has established the offence of perversion of course of justice against the 2nd Defendant in line

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with the well-established principle of proof beyond reasonable doubt as required by law?

Learned Counsel submitted inter-alia that the evidence led by the prosecution reveals that the 2nd Defendant indeed called PW2 to tell her not to honour the invitation of the ICPC while the matter was pending before this Court. Furthermore, that the phone records of the 2nd Defendant revealed that it was the 1st Defendant who sent the phone number to 2nd Defendant to call PW2. That having never had a prior conversation with PW2 before the said calls, the 2nd Defendant indeed perverted the cause of justice by contacting a likely witness in a criminal trial. Further that the actions of the Defendants were meant to prejudice a pending trial. Counsel thus urged the Court to convict the 2nd Defendant of counts 3 and 4. That the decision of 2nd Defendant to rest his case on that of the prosecution is fatal to his defence. Thus he ought to be convicted of the counts.

Counsel to the Defendants, in his written address dated 10th October, 2025 but filed 13th October, 2025 formulated

Learned Counsel submitted inter-alia that the 1st Defendant was never informed of the reason for his arrest within 24 hours of his arrest. That he was never confronted with the allegations by PW2 against him. That such amounts to a breach of his fundamental rights and the

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Administration of Criminal Justice Act and that he was not questioned regarding PW2 until the forensic report was produced. Counsel relied on **UGOCHUKWU DURUAKU & ANOR VS SIR GILBERT NWOKE & 4 ORS** (2015) 15 NWLR (PT. 1483) 417, 474 A-C.

Counsel also submitted that the forensic report produced by the prosecution cannot be vouched for as the whatsapp application on the phone had become outdated as confirmed by DW2. Also that the Prosecution did not comply with section 41 (1) (d) of the Cybercrimes (prohibition, Prevention etc) Act, 2015 by not carrying out the forensic analysis at the forensic laboratory overseen by the National Security Adviser.

On the facts of the case, learned Counsel submitted that the chats between the 1st Defendant and TKJ was that of emotional feelings between two adults and it did not instill any fear in TKJ. That failure of the prosecution to tender the phone of TKJ as well as extract information from the said phone is fatal to the case of the Prosecution. Counsel relied on section 167 (d) Evidence Act, 2011.

On count two, learned Counsel submitted that the 1st Defendant did not commit any crime in promising admission to TKJ as he had no power to grant admission to anyone. Further that failure of the prosecution to establish that the 1st Defendant is indeed a public

officer is fatal to the case of the prosecution. On counts 3 and 4, learned Counsel submitted that at the time the call allegedly took place on 6th November, 2023, the PW2 was not a witness in the trial, hence the Defendants cannot be found guilty of the said counts.

To determine this suit, this Court formulates one issue for determination thus:

WHETHER THE PROSECUTION HAS ESTABLISHED THE OFFENCES AGAINST THE DEFENDANTS BEYOND REASONABLE DOUBT.

Before I proceed, I must comment on the necessity of masking the identity of the alleged victim of the offences in this case. The Court had ordered that her real name must not be used in addressing her throughout the trial and also for all records in this case including the press to only note her name as TKJ and not her real name.

The essence of this action by the Court is borne out of the fact that the alleged victim who testified as PW2 is a young woman who still has a long way to go in her professional and personal life. Exposing her real name to the world may cause some stigma which may be hard to erase. Our society being a conservative one may be unforgiving to a young woman linked to the kind of events that occurred in this case. This explains why it is difficult for young women who may have

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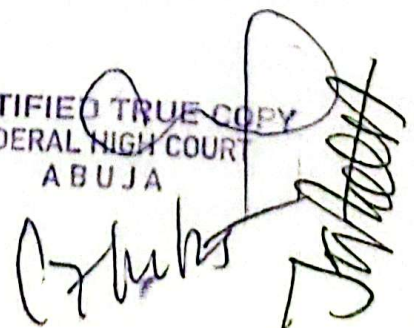
suffered one physical or sexual abuse or the other to come out to report their attackers due to the fear of being stigmatized.

This is not a unique practice as it is common in other parts of the world. In my research, I found that the Indian Penal Code even makes it a crime for the name of the alleged victim of a sexual offence to be published without authorization. In particular section 228A (1) of the Indian Penal Code provides:

- (1) *Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an [offence under section 376, section 376A, section 376B, section 376C, section 376D or section 376E] is alleged or found to have been committed (hereafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine*

The offences mentioned in sections 376A, 376B, 376C, 376D and 376E are all sexual offences particularly the offence of rape.

In the United Kingdom, the Sexual Offences (Amendment) Act 1976, automatically entitles a victim of a sexual offence to lifelong anonymity once a complaint is made. This means that no person is authorized to publish their identities or details.

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In South Africa, the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, and the Criminal Procedure Act, both provide victims of sexual offences and minors with the right to anonymity during the trial of the offence.

In Nigeria, even though there is no specific statute addressing the issue of protecting witnesses or victims of sexual offences, we can draw inference from the provisions of section 34 (1) of the constitution which is even stronger than any statutory provision being the Grundnorm of laws in this country. Section 34 (1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides:

(1) Every individual is entitled to respect for the dignity of his person, and accordingly –

(a) no person shall be subject to torture or to inhuman or degrading treatment;

A Nigerian citizen is vested with the right to the dignity of his person and to not be subjected to any degrading and inhuman treatment. This may include protecting the female gender from having their identity exposed during the taking of their evidence in Court and when making a complaint/report involving sexual harassment. The fact that there is no specific statute on this issue will not stop this Court from protecting the dignity of PW2. It is a duty which this Court will not shirk away from. This Court draws inspiration from the words of Lord Denning in

PACKER VS PACKER [1953] 2 All ER 127 where the noble law lord stated:

"If we never do anything which has not been done before, we shall never get anywhere. The law will stand still while the rest of the world goes on, and that will be bad for both".

This Court has the duty to protect the alleged victim of the offences by placing a restriction on the disclosure of her identity and to ensure that she remains anonymous during and after the trial. This Court also reasons that this would also enable victims in other sexually related crimes to be confident in reporting their attackers.

In this instant suit, this Court had called the parties including the alleged victim (PW2) into chambers and having confirmed from the Defendant that he indeed knows her, the Court then imposed an order protecting her identity by giving her the name TKJ in order to ensure that her dignity is protected and that she remains anonymous.

Thus the order of anonymity placed on this matter in the restriction of disclosure of the name of PW2 is hereby maintained and same continues even after judgment is delivered. This order is an order in rem which means that it binds the whole world and not only the Defendants and the Prosecution in this case.

With respect to the substantive issue, criminal cases are a very serious specie of proceedings as the freedom, and in some cases the life of the Defendant is on the line if found guilty. Not surprisingly, the standard of proof is usually beyond reasonable doubt. This means that the Prosecution must be diligent in proving its case in such a manner that there would be no doubt that the Defendant and no one else committed the offence to secure a conviction of the Defendant. While the Prosecution is not mandated to call a certain number of witnesses in proof of its case, it must call material witnesses to help it prove its case. Kindly see Section 135 of the Evidence Act.

In **OLAYIWOLA v. STATE (2021) LPELR-58288(SC)** the Apex Court held:

"It is to be reiterated that in criminal matters such as the one we are faced with the standard of proof is beyond reasonable doubt. This is a principle that is fundamental and sacrosanct and in establishing that required standard of proof, all the essential elements or ingredients must be proved on that standard. This is because the ingredients are cumulative and none should be found lacking before the proof beyond reasonable doubt is said to have been met. Therefore, once all those vital ingredients are established altogether beyond reasonable doubt, the Court is enabled to convict the accused."

Also in *NWIKO v. STATE* (2022) LPELR-57747(SC), the Supreme Court held:

"It is trite law that in criminal trials, the standard of proof placed on the prosecution is proof beyond reasonable doubt and not beyond every shadow of doubt."

Kindly see also *C.O.P v. OGOR & ORS* (2022) LPELR-57558(SC); *AJAYI V. STATE* (2013) 9 NWLR (PT. 1360) 589, *BASSEY V. STATE* (2012) 12 NWLR (PT. 1314) 209.

The reason for the standard of proof being beyond reasonable doubt is to successfully dispel the presumption of innocence guaranteed a Defendant by the Constitution.

In *MOMODU v. STATE* (2025) LPELR-80593(SC), the Supreme Court held thus:

"The Law is settled that criminal matters must be proved beyond reasonable doubt, before an accused person may be convicted and sentenced for an offence he/she is being tried for. In this process, the cardinal rule is that such a person is presumed innocent until proven guilty through credible evidence. See Section 36(5) of the Constitution of Federal Republic of Nigeria, 1999 (as amended)"

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Also in **ADEKOYA v. STATE (2017) LPELR-41564(SC)**, the Apex Court held:

"It is to be reiterated that in criminal matters such as the one we are faced with the standard of proof is beyond reasonable doubt. This is a Principle that is fundamental and sacrosanct and in establishing that required standard of proof, all the essential elements or ingredients must be proved on that standard. This is because the ingredients are cumulative and none should be found lacking before the Proof beyond reasonable doubt is said to have been met. Therefore, once all those vital ingredients are established altogether beyond reasonable doubt the Court is enabled to convict the accused"

Kindly see also **EDUN & ANOR v. FRN (2019) LPELR-46947(SC)**; **AGU v. STATE (2017) LPELR-41664(SC)**; **ESENE v. STATE (2017) LPELR-41912(SC)**

The Prosecution is not absolved of the duty placed on it by the law to prove the case beyond reasonable doubt even where the Defendant has pleaded guilty to the charge. The Prosecution is still required to state the facts against the Defendant and the Court must be satisfied that the Defendant intends to admit all the facts alleged by the

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Prosecution against him before he can be convicted. Kindly see Section 274(1) Administration of Criminal Justice Act, 2015.

The 1st Defendant is facing charges in counts 1 and 2 of the charge and in a count of conspiring with 2nd Defendant in count 4 of the charge.

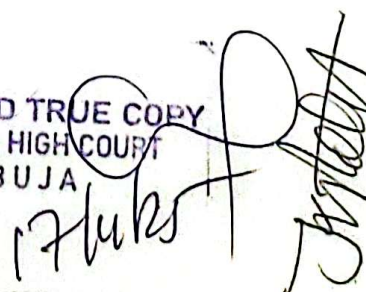
In count 1 of the charge, the 1st Defendant is charged with offence contrary to section 24 of the Cybercrime (Protection and Prohibition) Act, 2015 which provides:

“Any person who knowingly or intentionally sends a message or other matter by means of computer systems or network that -

(a) is grossly offensive, pornographic or of an indecent, obscene or menacing character or causes any such message or matter to be so sent

From the above provision, the ingredients of the offence which the Prosecution is expected to prove beyond reasonable doubt are:

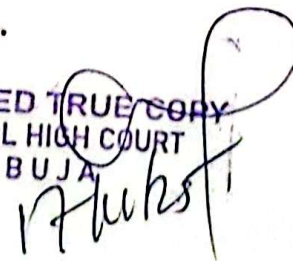
1. The Defendant must have sent a message by means of a computer system or network.
2. The message must have been grossly offensive, pornographic or of an indecent, obscene or menacing character.
3. The Defendant must have knowingly sent this grossly offensive, pornographic, indecent, obscene or menacing message.

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The Prosecution through its witnesses have led evidence showing that the 1st Defendant as Dean of the Faculty of law of the University of Calabar had sent messages to PW2 requesting for her nude pictures and nude videos via WhatsApp which is an app by which messages can be sent electronically. The requests were borne out of PW2's desire to be admitted into the Faculty of law for her degree program. At the time, PW2 was a student in the Diploma programme. PW2 got close to the 1st Defendant due to her belief that he could help her secure the admission since she was referred to him by her uncle. However, instead of the 1st Defendant to help her, he began requesting for nude pictures and videos from her.

Before proceeding to analyze the contents of the forensic analysis (Exhibit H) I must address the objection of learned Counsel to the Defence who argued that the forensic analysis ought to be discountenanced as it was not produced from the National Digital Forensic laboratory overseen by the National Security Adviser in accordance with the Cybercrimes Act.

Firstly, the basis of admissibility of evidence in Nigeria is relevance. Which means that once a piece of evidence is relevant to the proceedings, it would be admissible except it is made inadmissible by some other law or provision of the Evidence Act, 2011. This Court relies on sections 14 and 15 of the Evidence Act, 2011.



Section 14 provides thus:

Evidence obtained –

- (a) improperly or in contravention of a law; or*
- (b) in consequence of an impropriety or of a contravention of a law, shall be admissible unless the court is of the opinion that the desirability of admitting the evidence is out - weighed by the undesirability of admitting evidence that has been obtained in the manner in which the evidence was obtained.*

While section 15 provides thus:

For the purposes of section 14, the matters that the court shall take into account include –

- a. the probative value of the evidence;*
- b. the importance of the evidence in the proceeding;*
- c. the nature of the relevant offence, cause of action or defence and the nature of the subject - matter of the proceeding;*
- d. the gravity of the impropriety or contravention;*
- e. whether the impropriety or contravention was deliberate or reckless;*

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f. whether any other proceeding (whether or not in a court) has been or is likely to be taken in relation to the impropriety or contravention; g. the difficulty, if any, of obtaining the evidence without impropriety or contravention of law.

The import of the above sections imply that where evidence is purportedly obtained improperly by security agencies, such evidence will not be inadmissible strict sensu. The Court is urged to put such piece of evidence through some tests to determine its admissibility. Unlike in jurisdictions such as the United States of America, where such evidence is regarded as the fruit of a poisoned tree and hence inadmissible, it is not so in Nigeria. The forensic analysis is relevant to this case and notwithstanding which security agency's laboratory produced same, it is relevant and admissible before this Court. This Court will rely on same.

From the analysis of the 1st Defendant's phone particularly his WhatsApp chats with PW2 and other ladies, he was in the habit of requesting for pornographic pictures and videos from these ladies. In one instance on 23rd and 29th of September, 2023 the 1st Defendant asked PW2 to send a pornographic video of herself. In the chat trail, PW2 expressed discomfort in making the videos since she was not living alone. However, the 1st Defendant insisted and she had to make the video. PW2 in her oral testimony stated that at one time she

traveled to see her mother in Enugu and while in the hospital with her mother, the 1st Defendant called her repeatedly asking for a video of her. PW2 said she asked him what kind of video and he replied with "You know nah". She insisted that she had no idea of the video he wanted. She said the 1st Defendant called her severally and was asking her of the video. PW2 then said:

"He told me to put my two fingers into my private parts and send to him and before I could say anything, he ended the call. Later, he called again and said, the video. And I told him that my hand cannot enter my private parts, that I was still a virgin. And he ended the call. I sent him a message on WhatsApp and told him that I am still very tight. He saw the message and called me back that I should send the video. I begged him but he said I should just send it. He also told me that he would give me the admission that I should send the video."

PW2 testified that despite telling the 1st Defendant of her mother's health and why she was in the hospital, the 1st Defendant without any form of empathy kept asking for a nude video which she had to make in the hospital toilet to send to him, thus causing her to send obscene and pornographic messages to him. This piece of evidence corroborates the printout of the WhatsApp chats especially the chats of 23rd September, 2023 when 1st Defendant sent the message the

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video. After the video was sent, the 1st Defendant sent another message stating ***"Please resend. mistakenly deleted"***. To which PW2 resent the nude video on 29th September, 2023 at about 11:20 pm.

I went through Exhibit H and the number of requests for nude videos and pictures the 1st Defendant sent to other ladies who were students of the University were quite sickening. His persistent and habitual request for these pornographic visuals in which some predated the requests to PW2 clearly established his knowledge or mens rea in asking for these pornographic and obscene visuals. Nude videos are not videos meant for public consumption as they are morally deficient and indecent in any sane society.

The 1st Defendant as Dean of the Faculty clearly had an influence over PW2 as seen in his interactions with her. He constantly harassed her with the promise of securing admission into the LLB Programme of the Faculty of law for PW2. PW2 in her testimony stated that she had been looking for admission for about 4 years and that was why the 1st Defendant could take advantage of her desperation. PW2 testified that in her first encounter with the 1st Defendant in his office, he had tried to remove her trousers and she said she was on her period in order to escape his grip. To her surprise, the 1st Defendant asked if she was not going to give him her virginity? That the 1st Defendant put his

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hand in her pant and when he confirmed she was indeed on her period asked her to put his penis into her mouth. PW2 stated as follows:

“He said I should sit down and he brought out his penis and said I should give him a blow job. I told him that I cannot, he said I should not embarrass him. I was crying and he said why am I crying and that he has not touched me yet and I'm crying. I fell on my knees and begged him, I told him that I would give him but not that day. He kept on coming closer and putting it in my mouth. I was crying and he was still following me. He said I should not bother that my admission is settled that even if it is the tip of his penis, I should just put it in my mouth. I kept begging him, I took his penis back into his trousers and he told me to leave his office. When I was about leaving, I apologized to him that I was sorry and said I should just go home and leave him alone.”

The above statement which was not denied by the 1st Defendant in his defence showed the depravity of the 1st Defendant and how he sexually harassed PW2 even in a public office.

PW2 even said the next time she went to his office, she went with a friend. The 1st Defendant then sent her to his car to pick something but on her return she found the door locked apparently with 1st

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Defendant and her friend inside. She kept knocking the door until it was opened and her friend told her that thank God she came at that time. The statement is suggestive of the 1st Defendant trying to molest her friend.

All these facts corroborate the documentary evidence of the prosecution and fully proves the ingredients of the offence in count 1 beyond reasonable doubt. The 1st Defendant in his evidence did not contradict these pieces of evidence. He admitted that he indeed knows PW2 and that they chat. He instead based his evidence on him being a victim of internal politics in the university and that he had once been exonerated in another case involving an allegation of sexual related offences. Infact, in his statement, the 1st Defendant did not address any of the issues in this present charge against him. The statement was based on what happened sometime in 2015 between one Miss Simeobong Nkang and himself.

The effect of these uncontradicted evidence is that the Court can only reach one conclusion which is that the Prosecution has successfully proved the ingredients of count 1 of the charge beyond reasonable doubt against the 1st Defendant. Consequently, he is hereby convicted of count 1.

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With respect to count 2 of the charge, it is an offence contrary to section 19 of the Corrupt Practices and Other Related Offences Act, 2000 which provides:

(19) Any public officer who uses his office or position to gratify or confer any corrupt or unfair advantage upon himself or any relation or associate of the public officer or any other public officer shall be guilty of an offence and shall on conviction be liable to imprisonment for five (5) years without option of fine.

The ingredients of the offence which the Prosecution must prove beyond reasonable doubt includes:

1. That the Defendant is a public officer;
2. That the Defendant used his office or position to gratify or confer any corrupt or unfair advantage upon himself or any relation or associate of his or upon any other public officer.

Kindly see also **FRN v. ISA (2024) LPELR-62076(CA); SAMUEL v. FRN (2019) LPELR-49367(CA).**

With respect to the first element, the evidence led by the Prosecution which has not been contradicted is that the 1st Defendant was the Dean of the Faculty of Law of the University of Calabar at the time the alleged offence occurred which was in 2023. I take Judicial Notice that the Dean Faculty of law has influence over Diploma in law programme.

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The 1st Defendant in his evidence in chief as well as his written statement stated that he was the Dean of the faculty of law, University of Calabar. This is in sharp contrast to the arguments of Defense Counsel that there is no proof that he was a public officer at the time the events occurred.

Now the question to ask is who a public officer is and whether the 1st Defendant falls within that definition. In **NWAFOR v. MDCN (2016) LPELR-41495(CA)** the Court of Appeal held:

"The question is, who is a public officer? The Supreme Court in the case of Central Bank of Nigeria vs Hydro Air PTY Ltd (2014) 16 NWLR (part 1434) 482 at 492 in giving the meaning of Public Officer held: "The term "Public Officer" is equated with public department and includes every officer or department invested with the performance of public duties. "Under Section 318(C) of the Constitution is "member of staff of any commission or authority established for the state by this Constitution or by a law of a House of Assembly"

This means that a public officer is any person employed and performing duties in a public office of the Federation or of a state. Section 318 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) defines the Public service of the Federation as follows:

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Public service of the Federation means:

“The service of the Federation in any capacity in respect of the Government of the Federation, and includes service as-

(a) Clerk or other staff of the National Assembly or of each House of the National Assembly;

(b) member of staff of the Supreme Court, the Court of Appeal, the Federal High Court, the National Industrial Court, the High Court of the Federal Capital Territory, Abuja, the Sharia Court of Appeal of the Federal Capital Territory, Abuja, the Customary Court of Appeal of the Federal Capital Territory, Abuja; or other courts established for the Federation by this Constitution and by an Act of the National Assembly;

(c) member or staff of any commission or authority established for the Federation by this Constitution or by an Act of the National Assembly;

(d) staff of any area council;

(e) staff of any statutory corporation established by an Act of the National Assembly;

(f) staff of any educational institution established or financed principally by the Government of the Federation;

(g) staff of any company or enterprise in which the Government of the Federation or its agency owns controlling shares or interest; and

(h) members or officers of the armed forces of the Federation or the Nigeria Police Force or other government security agencies established by law”

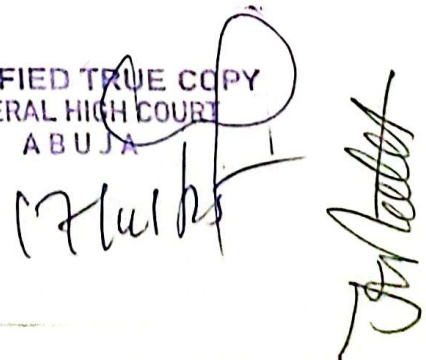
With respect to this case section 318 (f) is *recondite* and relevant to the case at hand. This Court takes judicial notice of the University of Calabar Act which is an Act of the National Assembly of which this Court is empowered to take judicial notice of by virtue of section 122 of the Evidence Act, 2011. The University of Calabar was established by an Act of the National Assembly and the University is funded by the Federal Government of Nigeria. It is not a private university but a federal government owned institution. The simple effect of this is that the 1st Defendant being a member of staff of the University and even the Dean of the Faculty of Law is a public officer. Thus the first element of the offence has been established beyond reasonable doubt.

With respect to the second element of the offence, it is important to understand the meaning of unfair advantage. The Supreme Court in

OLUSEGUN v. FRN (2025) LPELR-80700(SC) explained what the element of unfair advantage under section 19 of the Corrupt Practices and Other Related Offences Act connotes thus:

"The second element of the offence created by Section 19 of the Corrupt Practices and Other Related Offences Act is that the public officer used his office or position to gratify or confer any corrupt or unfair advantage upon himself or any relation or associate of his or upon any public officer. In BABABE V. F.R.N. (supra) at 126, paras. D - E, Kekere-Ekun, JSC (as he then was, now CJN) described "unfair advantage" thus: "... it could be said that a person is given an unfair advantage where someone in a superior or favourable position provides him with an opportunity over and above others in similar circumstances which he otherwise would not have had, to enable him succeed in a particular venture." "Corrupt advantage" carries a similar connotation. It means a benefit obtained through illegal or dishonest means, often through abuse of office for personal gain, to the detriment of others or the public good."

The above holding means that the Defendant must be in a superior position or a position of advantage to confer himself of this unfair advantage over the victim.

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The facts before this Court show that the victim (PW2) was desirous of being admitted into the law programme of the University of Calabar after trying four previous times and failing. This made her get close to the 1st Defendant through her uncle. The 1st Defendant on the other hand was the Dean of the Faculty of law which meant that he was in a position of advantage to help PW2. Also as the Dean he was also in direct or indirect control of the activities of the Diploma in Law programme as it is under his supervision.

The evidence of the Prosecution is to the effect that the 1st Defendant abused his office by asking for sexually explicit videos and pictures from PW2 in exchange for helping her with admission into the Faculty of law. I have painstakingly gone through the evidence and no doubt that the 1st Defendant indeed had undue advantage over PW2. He then proceeded to exert this undue advantage over her by asking her to give him blowjob in his office, touching her private parts, asking for nude videos even when PW2 told him it was not comfortable for her.

The instances of this undue advantage are so much but in one particular instance, PW2 testified of when the 1st Defendant came to her hostel and asked her to bring her application form. When she got into his car, the 1st Defendant tried to force to suck his penis right inside his car. That he even proceeded to bend her neck towards the penis that it injured her. She then said he subsequently sent her the

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sum of N3,000 (Three Thousand Naira) for her to treat herself of any injury. This was corroborated by a snapshot of the transaction details which the 1st Defendant sent to PW2 as evidence of sending the money (Exhibit J – J1).

PW2 in her evidence-in-chief broke down in tears severally while detailing how the 1st Defendant consistently harassed her sexually and forced her to send nude videos as well as give him blowjobs in exchange for the admission she so desperately wanted. Even though the 1st Defendant referred to PW2 in some of the chats as his daughter, he was still pressuring her to send him sexually explicit visuals of herself. The 1st Defendant never gave her any admission rather he conferred undue advantage on himself by abusing his office and pressuring PW2 what she would ordinarily not do if they were on equal footing. PW2 kept repeating to the 1st Defendant that she was a virgin but same fell on deaf ears. This means that she was ordinarily not inclined to be explicit with anyone save for a romantic relationship. However, despite not having a romantic relationship with PW2, 1st Defendant selfishly insisted on seeing her nudity and even forcing her to perform sexual acts on him.

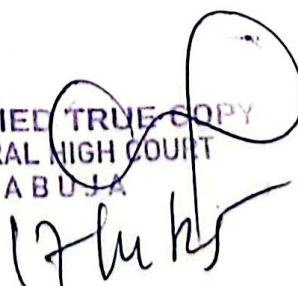
The 1st Defendant in his defence kept sidestepping this grave issue and was focusing on irrelevant issues. This Court observed him closely as well as his countenance and the conclusion to draw is that he is not a

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witness of truth. The 1st Defendant was manipulative and tried to distort the facts. He cannot be believed by any reasonable person including this Court.

PW2 on the other hand was more direct. She was emotional during her testimony and she provided enough details which corroborated the documentary evidence tendered through PW1. Despite what she suffered in the hands of the 1st Defendant, she was courageous enough to testify against him. This is worthy of note as PW2 had testified of how students in the Faculty of law had begun to tremble when they heard that the 1st Defendant who was suspended at the time and was being investigated by the university might be coming back. That the students were terrified of the 1st Defendant and that was why no one had been bold enough to complain about his randy behaviour in the past. PW2 had courageously come forward to testify against the 1st Defendant. Her demeanor throughout her testimony where even though she was understandably emotional, did not go overboard neither did she exaggerate her evidence. The Court had to intermittently stop her in order to get her composed to give her evidence. This Court can only conclude from what is had observed of the witness that she is a witness of truth and must be believed.



Thus the Prosecution has successfully discharged its burden of proof in respect of Count 2 of the charge. Consequently, the 1st Defendant is hereby convicted of count 2.

With respect to the 2nd Defendant, he was charged in counts 3 and 4 along with the 1st Defendant. For count 3 the 2nd Defendant was charged under section 182 of the Penal Code Act of the Federal Capital Territory for the offence of threatening PW2 not to honour the invitation of the Independent Corrupt Practices Commission in this matter thereby committing an act that is perverse to the course of justice.

The said section 182 of the Penal Code Act provides:

***“182. Whoever with intent to influence the course of justice in a civil or criminal proceeding does an act whereby the fair hearing, trial or decision of a matter in that proceeding may be prejudiced shall be punished with imprisonment for a term which may extend to two years or with fine or with both.*”**

The elements of this offence as can be drawn from the above provision are these:

1. The Defendant must have influenced the victim.
2. The victim must have been influenced by some form of reward or by a threat.

3. The Defendant must have threatened the victim intentionally.

Kindly see also **FRN v. ADEMOLA (2021) LPELR-52831(CA)**

The evidence led by the Prosecution particularly the evidence elicited from PW2 is to the effect that a few days after the arrest of the 1st Defendant, she began receiving calls from a strange number. That upon picking the call, the caller identified himself as Barrister Sunny (2nd Defendant). That the 2nd Defendant then told her that he was calling on behalf of 1st Defendant and that she should not honour the invitation of the ICPC. Also that he would help her secure admission into a university outside Calabar if she complied with his request. He also told her that the 1st Defendant was to blame for everything. The Prosecution also tendered documentary evidence particularly Exhibit F which is a letter from Airtel Networks Limited addressed to the Chairman of the ICPC dated 20th November 2023. The letter was regarding investigation of the phone number: 08080083609 belonging to 2nd Defendant. Attached to the letter was the call logs of the said phone number. Indeed, on the 11th of June, 2023, the said number called 07026725551 belonging to PW2.

Indeed, exhibit F and the attachments proves conclusively that the 2nd Defendant called PW2 however there is no proof of what was discussed during the said call. This Court understands that PW2

offered some evidence as to what was discussed however this Court thinks that this piece of evidence ought to be corroborated by some other independent evidence.

Corroboration refers to a supporting or additional piece of evidence that supports another evidence.

In **DAGAYYA v. STATE (2006) LPELR-912(SC)** the Apex Court held thus:

"...corroboration entails the act of supporting or strengthening a statement of a witness by fresh evidence of another witness. Corroboration does not mean that the witness corroborating must use the exact or very like words, unless the matter involves some arithmetics. That will reduce the straightforward adjectival matter to a pedantic level; and I do not think the procedure will be prepared to take or admit such pedantry."

Also in **OGUNBAYO v. STATE (2007) LPELR-2323(SC)** the Supreme Court held thus:

"Corroboration has been held not to be a technical term of all and means no more than evidence tending to confirm, support and strengthen other evidence sought to be corroborated. See the case of D.P.P v. Kilbourne (1973) A.C. 729 @ 758. Also settled, is that corroboration need not consist of direct evidence that the accused person committed the offence, nor need it amount to a

confirmation of the whole account given by the witness, provided that it corroborates the evidence in some respects material to the charge"

The evidence of PW2 as to the involvement of 2nd Defendant was not corroborated and thus it would amount to speculation for this Court to assume that the contents of the call had to do with stopping PW2 from honouring the invitation of the ICPC in this case. Courts of law do not engage in speculation. The law is trite that a Court of law does not act on speculation but on solid evidence.

The Supreme Court in **AGIP (NIG) LTD V. AGIP PETROLI INTERNATIONAL (2010) 5 NWLR (PT.1187) 348 AT 413 PARAGRAPHS B - D**, also said:-

"It is trite principle also that a Court should not decide a case on mere conjecture or speculation. Courts of Laws are Courts of facts and laws. They decide issues on facts established before them and on laws. They must avoid speculation.

Kindly see also **ADEGBITE v. STATE (2017) LPELR-42585(SC); AKAYEPE & ANOR v. AKAYEPE (2009) LPELR-326(SC).**

It would be speculative to at this juncture assume or presume what exactly was discussed. Furthermore, according to PW1, the petition which led to the investigation in this matter was dated 15th

September, 2023 while the 1st Defendant was arrested on 4th October, 2023 which was almost 4 months after the 2nd Defendant supposedly called PW2. Thus it would be hard to conclude that the conversation was centered on an investigation which had not even crystallized at the time. It is therefore safe to hold that count 3 was not proved beyond reasonable doubt against the 2nd Defendant. Consequently, the 2nd Defendant is hereby discharged and acquitted of count 3 of the charge.

Likewise, for count 4 which is on the count of conspiracy, for the Prosecution to succeed on a count of conspiracy, the prosecution must establish that the Defendants conspired among themselves to commit the said offence.

In **AJAYI v. STATE (2013) LPELR-19941(SC)**, the Supreme Court held:

"Conspiracy has been defined in the 8th Edition of Black's Law Dictionary at page 329 as 'an agreement by two or more persons to commit an unlawful act coupled with an intent to achieve the agreement's objective.'"

In **HASSAN v. STATE (2024) LPELR-62529(SC)**, it was defined as:

"Conspiracy is an agreement by two or more persons to do or cause to be done an illegal act or a legal act by an illegal means."

Kindly see also KAYODE v. STATE (2016) LPELR-40028(SC); ACN & ANOR v. INEC & ORS (2013) LPELR-20300(SC); OLOYEDE v. STATE (2019) LPELR-47489(CA).

There is no doubt that proving conspiracy is not straightforward and the Court simply infers conspiracy from the acts of the Defendants towards the commission of the offence. In JOHN v. STATE (2024) LPELR-62864(SC), the Supreme Court held:

"The law is that conspiracy to commit an offence is based on co intent and purpose and once there is such evidence to commit the substantive offence, it does not matter what any of the conspirators did. Ajuluchukwu Vs State (2014) 13 NWLR (Pt 1425) 641, Akogwu Vs State (2018) 3 NWLR (Pt 1605) 137, Saminu Vs State (2019) LPELR 47622(SC), Martin Vs State (2020) 5 NWLR (Pt 1716) 58, Fekoimoh Vs State (2021) 6 NWLR (Pt 1773) 461. ? Proof of actual agreement is not always easy to come by and thus a trial Court can infer conspiracy and convict on it if it is satisfied that the actual person pursued, by their acts, the same object one performing one part of the act and the other performing the other part of the same act so as to complete their unlawful design.....The lower Court was thus correct in drawing an inference of conspiracy from the fact that all the accused persons acted in unison."

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Likewise, in **ADEKOYA v. STATE (2017) LPELR-41564(SC)** where it was held thus:

"...conspiracy is an offence that is often deduced or inferred from the acts of the parties and not usually by direct evidence of the meeting of the minds. The reason being simply, that discussions and agreements to do an illegal act or carry out a legal act by illegal means are transactions in secret and normally shrouded from those not part of the deal. The dictum of this Court per Adekeye JSC in Onyenye v State (2012) 15 NWLR (Pt. 1324) 586, Pg. 36 - 37 is useful "In effect, conspiracy can be inferred from the acts of doing things towards a common end where there is no direct evidence in support of an agreement between the accused persons. The conspirators need not know themselves and need not have agreed to commit the offence at the same time. The Courts tackle the offence of conspiracy as a matter of inference to be deduced from certain criminal acts or inactions of the parties concerned."

Kindly see also **USMAN v. STATE (2022) LPELR-57824(SC)**; **MINDI v. STATE (2020) LPELR-52897(SC)**.

While this Court understands that direct evidence to prove conspiracy is very difficult, the Court however notes that there is no evidence,

direct or circumstantial showing that the Defendants had a meeting of mind to carry out an unlawful act or a lawful act through unlawful means.

Failure to provide clear and concise evidence as to what was discussed between 2nd Defendant and PW2 means that this count has no legs to stand on. Moreover, investigation or trial had not commenced at the time the call happened, thus it would be going into the realm of speculation to determine that indeed the Defendants conspired to pervert the cause of justice in this case. Consequently, the Defendants are discharged and acquitted on count 4 of the charge.

I however must not fail to strongly admonish the 2nd Defendant who went beyond the limits of his professional ethics by contacting a person who is likely to be a vital witness in a criminal trial involving his client. It was an unconscionable act worthy of condemnation. As a legal practitioner and a minister in the temple of justice, his priority must be to ensure the due course of justice is not perverted and not to be so consumed with the case of his client that he denigrates the temple of justice he swore to promote. This Court in strong terms warns the 2nd Defendant to desist from such acts if that is his stock in trade. Such acts put the legal profession in bad light and this Court will not allow any person to drag the reputation of the legal profession through the mud.

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As for the 1st Defendant, it was with dismay and alarm that I read through the facts of this case as well as the oral evidence presented before the Court. It was indeed sad that the 1st Defendant as Dean of law who is supposed to be the beacon of professionalism wherein young minds can learn from turned himself to a sexual predator to destroy the minds of your ladies. His randy nature and shameful conduct instilled fear in the minds of the students in the Faculty. The 1st Defendant kept asking for pornographic pictures and videos from these young students with the promise to help them in one way or the other. To make matters worse, the 1st Defendant was never remorseful but tried to blame some other irrelevant reason for his arraignment. The 1st Defendant has brought shame upon the Faculty of law of the University of Calabar, the University itself, the legal profession and his family. He is a disgrace to the community of learned persons and must be made to pay for his atrocities which the Court can only imagine. The society is better rid of the 1st Defendant and his perverted mind.

I must not fail to comment on the rampant state of sexual harassment in our society which our ladies are especially victim of. In several establishments where the woman is subordinate to a man, they are usually targets of sexual harassment from randy men. Sexual harassment does not only involve actual soliciting of explicit visuals of

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the woman it is a whole lot more. In my research, I came across an article by Prof N.O Obiaraeri titled: Maintaining Action for Workplace Sexual Harassment in Nigeria-Practice and Procedure. The Article was published in Volume 6 No.2, 2025 of the Law Journal of Al-Hikmah University, Ilorin with ISSN: 2476-8510. In the said article, the learned Professor stated in pages 60 – 61 thus:

“On a general note sexual harassment may be verbal, non-verbal or physical. It is verbal such as referring to an adult as a girl, hunk, doll, babe, or honey; whistling at someone, cat calls; making sexual comments about a person's body; making sexual comments or innuendos; turning work discussions to sexual topics; telling sexual jokes or stories; asking about sexual fantasies preferences, or history; asking personal questions about social or sexual life; making kissing sounds, howling, and smacking lips, making sexual comments about a person's clothing, anatomy, or looks; repeatedly asking out a person who is not interested; telling lies or spreading rumors about a person's personal sex life. Non-verbal sexual harassment includes looking a person up and down (Elevator eyes); staring at someone; blocking a person's path; following the person; giving personal gifts; displaying sexually suggestive visuals; making sexual gestures with hands or through body movements; making facial

expressions such as winking, throwing kisses, or licking lips. Sexual harassment is physical if it involves things like giving a massage around the neck or shoulders; touching the person's clothing, hair, or body; hugging, kissing, patting, or stroking; touching or rubbing oneself sexually around another person; standing close or brushing up against another person.

Sexual harassment may also be subtle. Subtle sexual harassment is a behavior but not a legal term. It is unwelcome behavior of a sexual nature that if allowed to continue could create a quid pro quo and/or a hostile work environment for the recipient. For example, unwelcome sexual comments, jokes, innuendoes. On the other hand, quid pro quo harassment is when employment and/or employment decisions for an employee are based on that employee's acceptance or rejection of unwelcome sexual behavior. For example, a supervisor fires an employee because that employee will not go out with him or her. Workplace sexual harassment may lead to hostile work environment. Hostile work environment is a work environment created by unwelcome sexual behavior or behavior directed at an employee because of that employee's sex that is offensive, hostile and/or intimidating and that adversely affects that employee's ability to do his or her job. For example, pervasive unwelcome sexual comments or jokes

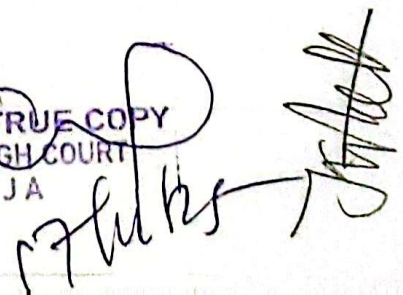
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that continue even though the recipient has indicated that those behaviors are unwelcome."

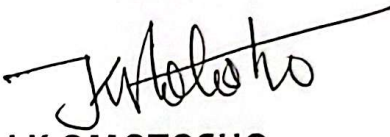
From the succinct analysis of the learned professor, it is clear that the forms of sexual harassment is quite multifarious. In this instant case, the Defendant made sexual comments about PW2 by calling her a small girl and by asking when she would give him her virginity. He also put his hands in her underwear to check if she was indeed on her period. Not only that, he forced PW2 to give him a blowjob. The Defendant clearly harassed the victim (PW2) with the promise of giving her admission into the faculty of law. It is a highly condemnable act and this Court is indeed appalled by this egregious behaviour from a supposed professor of law.

Once again, this Court hails the courage of the victim (PW2). It is admirable that in the face of daunting challenges, PW2 could stand up to testify against her oppressor. Perhaps PW2 can be a shining example for all those who are being sexually harassed to come out to report their oppressors. This Court can only hope that such happens sooner rather than later.

This Judgment should serve as a warning and lesson to any other randy lecturer who is still going around harassing female students that it is only a matter of time before the long hand of the law catches up with them.

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In final analysis, the Prosecution has successfully established counts 1 and 2 beyond reasonable doubt against the 1st Defendant while counts 3 and 4 were not proved beyond reasonable doubt. Consequently, the 1st Defendant is hereby convicted of counts 1 and 2 of the charge.



J.K OMOTOSHO

Judge

17/11/2025

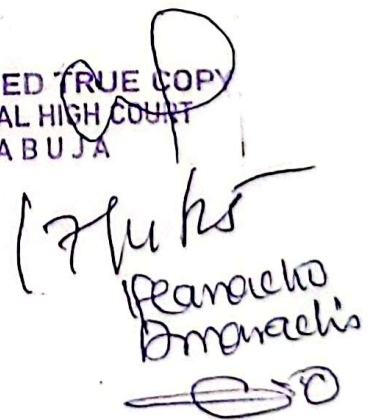
Appearances

Dr. Osuobeni Eko Akponimisingha Esq. (Head, High Profile Prosecution Department ICPC) with D.Y Suleiman Esq. and Professor Joshua Aloba Esq.- for the Prosecution.

Joe Agi SAN with Solomon Umoh SAN, Dr. V.E Obitta Esq., O.F Ekengba Esq. with I.K Obende Esq. and Juliana Obanilu Esq.-

For the Defence.

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FEDERAL HIGH COURT
ABUJA



Ifeanachio
Omonachi