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LAGOS STATE GOVERNMENT

LJP/HOM/2021/165

30th DECEMBER 2021.

THE DEPUTY COMMISSIONER OF POLICE,  
THE NIGERIA POLICE,  
S.C.I.D.  
M.A.K. SMITH STREET,  
YABA  
LAGOS STATE

30/12/21  
Date  
30/12/21  
Time  
30/12/21  
Health Street Kaba, Lagos

**INTERIM LEGAL ADVICE**  
**COMMISSIONER OF POLICE**

V.

FAVOUR BENJAMIN	'M'	16 YEARS
MICHEAL KASHAMU	'M'	15 YEARS
EDWARD BEGUE	'M'	16 YEARS
ANSEL TEMILE	'M'	14 YEARS
KENNETH IYANGI	'M'	15 YEARS

CR /3956/2020

I am directed to acknowledge the receipt of your letter with Reference No. CB: 3514/LSX/D4/Vol.6/27 and dated the 24<sup>th</sup> December, 2021 and the accompanying duplicate case file forwarded to this office for Legal Advice.

After carefully considering the facts available in the duplicate case file, this Office is of the view that at the moment, in the absence of the result of the toxicology test carried out on the body of the **Late Sylvester Oromoni**, the Deceased, this Office cannot reach a conclusive position on the allegations of **Murder, Involuntary Manslaughter, and/or Malicious Administrating of Poison with Intent to Harm** against **PAGES BI - KENNETH INYANG, PAGE B2- ANSEL ORITSEBEMIGHO TEMILE, PAGE B3- EDWARD BEGUE, PAGE B4- MICHEAL KASHAMU and PAGE B5- BENJAMIN FAVOUR IKECHUKWU.**

The facts as contained in the duplicate case file reveal that on 20<sup>th</sup> November, 2021, the deceased, **(the Late Sylvester Oromoni)**, a student of **DOWEN COLLEGE LAGOS** allegedly suffered injuries while playing football with his friends. It was equally alleged that the Deceased also played football match with his mates on the 21<sup>st</sup> of November, 2021 and was limping as a result of injuries he sustained.

**MINISTRY OF JUSTICE**  
**DIRECTORATE OF PUBLIC PROSECUTIONS**

The Secretariat, Block No. 2, Alausa, Ikeja, P.M.B No. 21436, Ikeja.  
Tel: 01-4979030-9 Ext. 4335, 6602 Telegrams: "LASJUST" Lagos.

CERTIFIED TRUE COPY  
J. O. HODONU ESQ.  
LEGAL OFFICER  
S.C.I.D., YABA, LAGOS  
Date: 11/12/21

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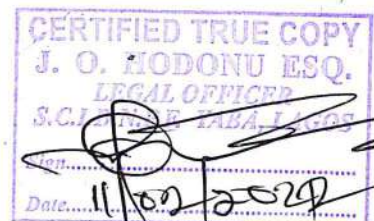
The injuries sustained resulted in much discomfort and necessitated the Deceased's visit to the School's sickbay. Subsequently, he was released to his family for further and proper medical attention. While receiving treatment at home the Deceased was allegedly to have revealed to a family friend and his mother the names of the suspects as the ones who beat him for refusal to join a cult group and forcefully administered obnoxious substance into his mouth. However on the 30<sup>th</sup> of November, 2021 the Deceased allegedly died while being rushed to a Hospital.

There are insufficient facts to establish the case of Membership of Unlawful Society under to Section 2 of the Unlawful Societies and Cultism (Prohibition) Law Ch. C133, Laws of Lagos State 2021 against the suspects PAGES BI - KENNETH INYANG, PAGE B2- ANSEL ORITSEBEMIGHO TEMILE, PAGE B3- EDWARD BEGUE, PAGE B4- MICHEAL KASHAMU and PAGE B5- BENJAMIN FAVOUR IKECHUKWU

Section 2 of the Unlawful Societies and Cultism (Prohibition) Law 2021 unequivocally stated the kind of society or group and activity that constitute a secret society and a cult group and these are expressly prohibited in the State. The Section provides thus,

- (1) As from the commencement of this law, a person shall not form, organise or belong to any named, unnamed or yet to be named group or society within the State whose object is illegal, destructive, unlawful or contrary to public policy, safety and peace of members of the public.
  - (2) A society shall be regarded as unlawful if the members of the society carry out any of the acts prohibited under subsection (1) of this Section and the Regulations made under it or any other Law.
  - (3) Any person who-
    - (a) is a member of an unlawful society or cult;
    - (b) identifies as a member or solicits for members of an unlawful society or cult;
    - (c) Induces a person to become a member of an unlawful society or cult;
    - (d) Attends a meeting of an unlawful society or cult whether as a member or an intending member; does any illegal act which may probably cause a breach of peace, disturb the public peace or conducts activities in such a manner as to pose a threat to life and property.
- Commits an offence and is liable on conviction to twenty one (21) years imprisonment.

There are no implication of this crime against PAGES BI - KENNETH INYANG, PAGE B2- ANSEL ORITSEBEMIGHO TEMILE, PAGE B3- EDWARD BEGUE, PAGE B4- MICHEAL KASHAMU and PAGE B5- BENJAMIN FAVOUR IKECHUKWU.



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None of the suspects confessed to be members of any unlawful society, neither were they implicated to be cultists. There was no name of an unlawful society, tattoo or insignia of any unlawful society found on the bodies of the suspects nor in their possession as a result of the investigation carried out against them by the Police.

To hold otherwise would amount to sniffing for an offence and a speculative act and this not permitted in a case involving the liberty of the Suspects who are equally minors. See *OLAYINKA AYENI vs. PEOPLE OF LAGOS STATE (2016) LPELR-41440(CA)* per *GEORGEWILL, J.C.A.*

However, there are facts to establish the offence of Negligent Act Causing Harm under Section 252 of the Criminal Law Ch. C17, Vol.3, Laws of Lagos State 2015 against PAGES A23 - MISS CELINA UDUAK, B7- VALENTINE IGBOEKWEZE, PAGE B8- HAMMED AYOMO BARIYU, PAGE B9 - ADESANYA OLUSESAN OLUSEGUN, MR ADEYEMI and DOWEN COLLEGE LAGOS.

Section 252 of the Criminal Law Ch. C17, Vol.3, Laws of Lagos State 2015 provides for the offence of Negligent Act Causing Harm. Specifically, the Section of the Law states as follows:

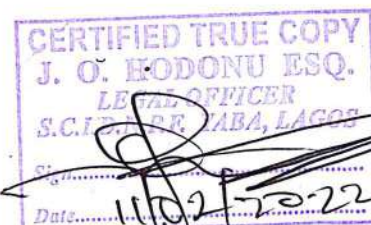
Subject to the provisions of Section 250, any person who unlawfully does any act, or omits to do any act which it is his duty to do, which act or omission causes harm to any person commits a misdemeanour and is liable on conviction to imprisonment for two (2) years.

The Prosecution must establish that,

- a. The suspects does or omitted to do any act
- b. That it is the duty of the suspect to do the act
- c. That the act of doing or omitting to do the act caused an harm to a person

There are sufficient facts to establish this offence against PAGES A23 - MISS CELINA UDUAK, B7- VALENTINE IGBOEKWEZE, PAGE B8- HAMMED AYOMO BARIYU, PAGE B9 - ADESANYA OLUSESAN OLUSEGUN, MR ADEYEMI and DOWEN COLLEGE LAGOS.

There are fact that the students made series of reports of acts of bullying and intimidation against them to the teachers and the house parents whose duties were to protect the



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children under their care. Facts further reveals that most of the statements and reports were not seriously attended to but disregarded by the house parents.

No punitive measures were imposed beyond suspension of known bullies in the School. The School does not have adequate policy for addressing issues of bullying, stalking and unacceptable behaviours by the seniors against the junior or younger students.

The Office intends to prosecute PAGES A23 - MISS CELINA UDUAK, B7- VALENTINE IGBOEKWEZE, PAGE B8- HAMMED AYOMO BARIYU, PAGE B9 - ADESANYA OLUSESAN OLUSEGUN, MR ADEYEMI and DOWEN COLLEGE LAGOS for the offence of Negligent Act Causing Harm under to Section 252 of the Criminal Law Ch. C17, Vol.3, Laws of Lagos State 2015.

In light of the foregoing, this Office cannot issue a comprehensive Legal Advice save this interim Advice based on the facts available in the casefile. Your duplicate case file is hereby retained pending the result of the toxicology test conducted on the body of the Late Sylvester Oromoni.

  
ADETUTU OSHINUSI (MS)

DIRECTOR  
DIRECTORATE OF PUBLIC PROSECUTIONS.  
FOR: HON. ATTORNEY-GENERAL AND  
COMMISSIONER FOR JUSTICE,  
LAGOS STATE.

CERTIFIED TRUE COPY  
J. O. HODONU ESQ.  
LEGAL OFFICER  
S.C.I.F. YABA, LAGOS  
Date: 11/02/2022