

IN THE MAGISTRATES' COURT OF DELTA STATE
IN THE ISSELE-UKU MAGISTERIAL DISTRICT
HOLDEN AT ISSELE-UKU

CHARGE NO.: *M/22* C/2020

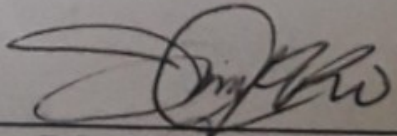
BETWEEN
COMMISSIONER OF POLICE - COMPLAINANT

VS

1. CHETA OKOLO 'M' AGED 36YRS - DEFENDANTS
2. ONYESI ESUZOR 'M' AGED 27YRS

That you Cheta Junior Okolo 'm' and Onyesi Esuzor 'm' on the 21st day of June, 2020 at Idumuje-Ugboko in the Issele-uku Magisterial District did conspire among yourselves to commit felony to wit: Attempted Murder and thereby committed an offence punishable under Section 516A of the Criminal Code Law Cap. C 21, Vol. 1, Laws of Delta State of Nigeria, 2006.

COUNT II: That you Cheta Junior Okolo 'm' and Onyesi Esuzor 'm' on the 21st day of June, 2020 at Idumuje-Ugboko in the Issele-uku Magisterial District did attempt to murder one Nathaniel Bama 'm' when you shot at him with a double barrel gun which almost killed him and thereby committed an offence punishable under Section 320 of the Criminal Code Law Cap. C 21 Vol. 1 Laws of Delta State of Nigeria, 2006.


POLICE/OFFICER

DATE OF ARRAIGNMENT:
PLEA:
BAIL:
SENTENCE:
FINDING:
COURT:
COURT ORDER:
PROSECUTOR:
MAGISTRATE:



CERTIFIED TRUE COPY

MINISTRY OF JUSTICE

(DEPARTMENT OF PUBLIC PROSECUTIONS)

P.M.B 5020

ASABA

Our Ref No.: DTMJ3/6/109181/7 DELTA STATE OF NIGERIA

Date: A-8-2020

The ACR II,
Chief Magistrate's Court,
Issele-Uku.

RE: LEGAL ADVICE

STATION: STATE C.I.D ASABA
OFFENCE: BURGLARY, CONSPIRACY AND ATTEMPTED
MURDER
CHARGE NO.: MI/22^C/2020
CASEFILE NO.: CR: /157/2020
IPO: INSPR HENRY ENEH
SUSPECTS: NATHANIEL BAMAH (M)
CHETA OKOLO (M)
ONYESI ESUZOR (M)

I am directed to refer to the Certified True Copy of the Police duplicate casefile forwarded from the ACR II, Magistrate's Court Issele-Uku to this Office on the above subject for Legal Advice.

I am further directed to inform you that after a careful study of the said case file, this Office is of the opinion that a prima facie case of the offences of BURGLARY, punishable under Section 41 of the Criminal Code Law Cap C21 Vol. 1 laws of Delta State 2006 and STEALING punishable under Section 390 (a) of the Criminal Code Law Cap c21 Vol.1 Laws of Delta State 2006 are disclosed against page B1 - NATHANIEL BAMAH (M). He will be prosecuted by this Office at the High Court of Justice.

However, pages B2- CHETA OKOLO (M) and B3- ONYESI ESUZOR (M) have no prima facie case of any offence established against them. They should be released if still in custody.

Consequently, you are requested to forward the original case file to this office for the effective prosecution of the suspect.

W L J.
re submitted for
information

[Signature]
I. UDUAGHAN, (MRS)

For, Director of Public Prosecutions,

IN THE CHIEF MAGISTRATE COURT OF DELTA
IN THE ASABA MAGISTERIAL DISTRICT
HOLDEN AT ASABA

AFFIDAVIT OF WITHDRAWAL OF CASE

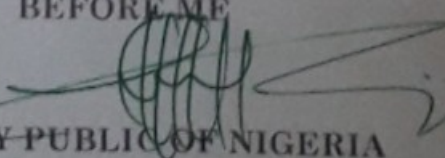
I, NATHANIEL BAMA (M) Adult, Male, Christian and Nigerian Citizen of Idumuje-Ugboko, Issele-Uke, Delta State, do hereby depose on oath and state as follows: THAT

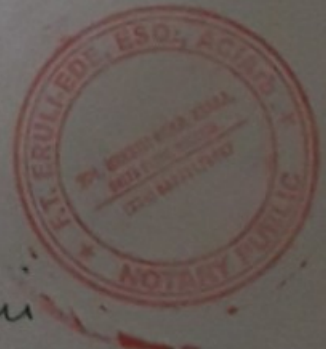
1. I am the nominal complainant in **COP v. CHETA OKOLO AND ANOR** Case No. M1/22C/2020. A Certified True Copy of the charge sheet is attached and marked as Exhibit A.
2. On the 21st day of June, 2020 at Idumuje-Ugboko, Issele-Uku, I was shot on the leg by some vigilante men.
3. I filed a report at the Nigerian Police Force, Asaba Division Headquarters, Okpanam in respect of the shooting.
4. Due to my report, Mr. Cheta Okolo and Mr. Onyesi Esuzor were arrested and charged to Court in Case No. M1/22C/2020.
5. The Defendants in the said case, Cheta Okolo and Onyesi Esuzor however, were not the ones, who shot me on my leg on the said 21st of June, 2020.
6. I wish to withdraw the Case No. M1/22/2020 against the said Defendants as I have no case against them.
7. This affidavit is for record purposes, information of the general public and to whom it may concern to please take note.
8. I make this Affidavit conscientiously believing same to be true and correct to the best of my knowledge and in accordance with the Oath Laws of Delta State.


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DEPONENT

SWORN AT THE OFFICE OF THE NOTARY PUBLIC,
ASABA, THIS 17th DAY OF July 2020.

BEFORE ME


NOTARY PUBLIC OF NIGERIA



IN THE MAGISTRATE COURT DELTA STATE OF NIGERIA
IN THE ISSELE-UKU MAGISTERIAL DISTRICT
HOLDEN AT ISSELE-UKU

Charge No: MI/22C/20

COMMISSIONER POLICE - COMPLAINANT

AND

CHETA OKOLO & ANOR - DEFENDANTS

ENROLMENT OF ORDER

Upon the criminal charge brought against the defendants unto court to wit:-

COUNT I: That you Cheta Junior Okolo (M) and Onyesi Esuzor (M) on the 21st day of June 2020, at Idumuje-Ugboko in the Issele-Uku Magisterial District did conspire among yourselves to commit felony to wit:- Attempted Murder and thereby committed an offence punishable under section 516A of the Criminal Code Law cap. (21, Vol. I, Laws of Delta State of Nigeria 2006.

COUNT II: That you Cheta Junior Okolo (M) and Onyesi Esuzor (M) on the 21st day of June, 2020 at Idumuje-Ugboko in the Issele-Uku Magisterial District did attempt to murder one Nathaniel Bama (M) when you shot at him with a double barrel gun which almost killed him and thereby committed an offence punishable under section 320 of the Criminal code Law Cap. C21 Vol. I Laws of Delta State of Nigeria 2006.

(SGD) Police Officer

Coming up for hearing and determination before his worship .S. OBONODO Esq. Chief Magistrate Grade II on Wednesday the 5th day of August, 2020. Defendants absent, in police custody. Sgt C. Nwokoro for the prosecution. Itohan Richards (Mrs.) and Eweka Omorogie Esq. for the defendants.

After going through the legal advice from the office of DPP Ministry of Justice Asaba, Delta State in a letter with reference No. DTMJ /3/6/109181/7.

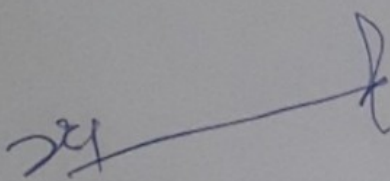
Court: order as follows:-

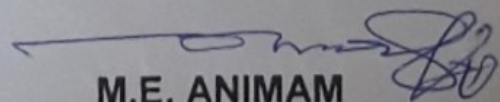
ORDER

In the circumstance the defendants stand discharged and the case struck out of the cause list. The Defendants by this order are to be released from the police custody.

This order is to be served on the commissioner of police, Delta State.

Issued at the chief Magistrates' court registry, Issele-Uku under the hand of the presiding Chief Magistrate GD II, this Wednesday, the 5th day of August 2020.


S. OBONODO Esq.
Chief Mag. Gd II


M.E. ANIMAM
Assistant Chief Registrar II

