LAGOS STATE GOVERNMENT

18TH JULY 2022

LJP/MISC/ 2021/289/ 78

The Assistant Inspector General of Police,
The Nigeria Police Force,
Zone 2 Command Headquarters,
Onikan,
Lagos.

DIRECTORATE OF PUBLIC PROSECUTIONS
LAGOS STATE MINISTRY OF JUSTICE
CERTIFIED TRUE COPY
NAME SANNI-PEDRO JIMOH
DESIGNATION CASE TRACKING OFFICER
SIGNATURE
DATE 04/07/2022 REF NO N-6603405

LEGAL ADVICE

COMMISSIONER OF POLICE
VERSUS
VICTOR CHINEDU (M)
UMEADI LAWRENCE CHIKA (M)
CR. NO.112/2021

I acknowledge receipt of your letter with **Reference No: CB/3514/ZN.2/'X'SQD/VOL.3/162** dated 24th December, 2021 and the accompanying duplicate case file forwarded to this office for Legal Advice.

After a careful consideration of the facts available in the duplicate case file, this Office is of the opinion that there are sufficient facts to establish a prima facie case of **Conspiracy to Commit a Felony, and Stealing contrary to Sections 411 and 287(8) of the Criminal law, Ch. C17, Vol.3, Laws of Lagos State, 2015** against **Page B1 VICTOR CHINEDU and Page B2 UMEADI LAWRENCE CHIKA.**

Facts in the duplicate casefile reveal that the Company (ALMAJDAL) had been incorporated and the original Directors (Rachid Ossmat and Mohammed Abdul) had to leave the Country and therefore sold their shares to both Anthony Okpala (Complainant) and Wail Kutrub (now at large) sometime in 2013. The complainant claims he was made a director and was also given fifty percent of the shares. Being an Engineering company, they got contracts and Page B2 (Umeadi Lawrence Chika) because of his knowledge of civil engineering was employed to handle the contracts. Along the line, Page B1 (Victor Chinedu) was consulted to handle some legal matters involving Wail Kutrub and he started meddling with the Company's affairs. The complainant claims B1 and B2 somewhere along the line started planning on getting him (complainant) out of the Company. The complaints against B1 and B2 were for Conspiracy, Conspiracy to Commit Murder, Threatening Violence and Conduct Likely to Cause Breach of Peace.

The certified true copies of documents filed at the Corporate Affairs Commission (CAC) establish that the Complainant was made a director in 2018 and was given

only five hundred thousand shares out of ten million shares. The records at CAC also show that in 2020, resolutions were passed and the Complainant was removed as director though his shareholding remained the same. Records at CAC show that Page B2 was appointed a Director of the Company in 2021.

The transcripts of phone conversations between B1 and B2 are in the duplicate case file. In the conversation of 13/10/2020 between B1 and B2, they made plans against the Complainant to "whisk him out", "take him out", "then we take him out physically". These phrases could mean anything like taking the Complainant out of the company but they cannot be proven or established as a threat to the complainant's life, conspiracy to commit murder or conduct that can cause a breach of peace. What is certain is that documents were filed in 2020 removing the Complainant as a director of the Company.

The conversation of 3/3/2021 established a plan by B1 and B2 to complete the issue of directorship of the Company in Abuja (obviously without involving the Complainant). They also planned to dispose of some of the Company's equipment in order to raise money.

In the conversation of 29/4/2021 (page 6), B1 specifically said he backdated company resolutions including the one appointing B2 as a director in the Company.

The Forensic Report of December, 2021 (which was requested for and obtained by the Police in the course of their investigations) shows that the signatures on the following documents filed at CAC were forgeries:

i. The Share Transfer Form filed in 2018 by which Mohammed Abdul transferred only five hundred thousand shares to the Complainant.
ii. The Share Transfer Form filed in 2018 by which Rachid Ossmat transferred his shares.
iii. The Form of Change of Directors filed in 2018 whereby the Complainant was appointed a director.

However, the Complainant's statement is to the effect that Page B1 started consulting for the company in 2019 when Wail Kutrub had a case of alleged forgery. There is also nothing in the file to establish when B2 started work in the Company. As of 2018 Wail Kutrub who is currently at large was the one in charge of day-to-day running of the Company and B1 and B2 cannot be linked to the forgery of the signatures on these documents filed at the CAC in 2018.

Page A6 GBOLAGADE ABDUL FATAHI (a staff of the Company at Uyo branch) and Page A7 DAVID EKPONG EGBARA (a driver in the company at Uyo branch), stated how in April, 2021 Page B1 ordered A7 to take two company cars to Umuahia – a Toyota Land Cruiser and a Toyota Hilux - claiming it was on the order of one of the Directors (Wail Kutrub now at large). A6 also said B1 sent people to tow away the Company's Ford Pickup and that B1 also claimed to have hired out the Company's

Payloader Machine in order to use proceeds to pay outstanding salaries but they continued owing the staff salaries.

It is worthy of note that Wail Kutrub (who is currently at large) had been the one in charge of managing day to day affairs of the Company with the help of B2. In March 2021, B1 and B2 informed the Company's Staff that Wail Kutrub had given both of them a Power of Attorney to take over the running of the Company's affairs. Unfortunately, Wail Kutrub is not available to confirm the truth or otherwise of this fact. In their statements, neither B1 nor B2 made reference to any form of authorization from the Company enabling them to deal with company assets in any manner whatsoever.

Also, there is a CHANGE OF OWNERSHIP document in the duplicate case file which states that the Company sold equipment worth N22.5m to one GHANEM RASBELH. Graylaw Arc Legal is B1's Law Firm. The statement of account of Zenith Bank account No. 1016914954 belonging to Graylaw Arc Legal is in the duplicate case file. It indicates that a total of about N15.5m was paid into the Graylaw Arc Legal's account by Ghanem Rasbelh who supposedly bought equipment from the company. This is proof that proceeds from sales of company equipment landed in the hands of Page B1 in accordance with his plan with B2 in their phone conversations.

Paragraph 6 of the "Findings" in the Police Investigation Report also states, *"That the banker's order obtained from a competent court of jurisdiction was executed on Graylaw Arc Legal's account No. 1016914954 Zenith Bank Plc where most of the money realized from the sales of equipment of Almajdal Limited which was deposited with Barrister Chinedu Victor was uncovered".*

For the Prosecution to successfully prove the offence of Conspiracy, it must establish the following ingredients:-

a. That there was an agreement by two or more persons to execute an agreed act.
b. That the agreed act is unlawful.

See **AITUMA V STATE (2006) 10 NWLR (PT. 989)**

On the offence of Conspiracy, the Black's Law Dictionary defines conspiracy as an agreement by two or more persons to commit an unlawful act coupled with intent to achieve the agreement's objective.

The Supreme Court in the case of **USMAN KAZA V. STATE (2008) 2NCC 374 @425 paragraphs N-H**, His Lordship per Niki-Tobi JSC stated the ingredients of offence of Conspiracy as follows:

a. There must be an agreement of two or more persons, in other words, there must be meeting of two or more minds;
b. The person must plan to carry out unlawful or illegal act which is an offence;
c. Bare agreement to commit an offence is sufficient;

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d. A Conspiracy is complete if there are acts on the part of an accused person which leads the trial court to the conclusion that he and others were engaged in accomplishing a common object or objective.

SEE: OLAYINKA V. STATE (2007) 45WRN 147 at PAGE 15

The transcript of the phone conversations of both B1 and B2 establish the above ingredients of Conspiracy to deal unlawfully with company's assets/properties against them.

To prove the offence of Stealing, the Prosecution must establish the following ingredients:

1. That the thing is capable of being stolen.
2. That the suspect has the intention of permanently depriving the owner of the thing.
3. That the Suspect was dishonest.
4. That the suspect has unlawfully appropriated the thing stolen to his own use.

Please see the case of **ABONDEJO V FRN (2013) 7 NWLR (PT.1353) 285**

The above ingredients of stealing are also established against B1 and B2 by the narratives above.

In the light of the foregoing this Office shall prosecute **Page B1 VICTOR CHINEDU and Page B2 UMEADI LAWRENCE CHIKA** for the offences of **Conspiracy to Commit a Felony, and Stealing contrary to Sections 411 and 287(8) of the Criminal law, Ch. C17, Vol.3, Laws of Lagos State, 2015.**

Your duplicate case file is hereby retained to enable this office file the necessary court processes at the High Court and you will be notified as soon as hearing notice is received.

Extra copies of the Legal Advice as well as a form for Suspects to indicate Legal Representation are herewith attached for service on the suspects in accordance with Section 74(5) & (6) of the Administration of Criminal Justice Law 2015.

DR. BABAJIDE MARTINS
DIRECTOR OF PUBLIC PROSECUTIONS
FOR: HON. ATTORNEY -GENERAL AND
COMMISSIONER FOR JUSTICE
LAGOS STATE

DIRECTORATE OF PUBLIC PROSECUTIONS
LAGOS STATE MINISTRY OF JUSTICE
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ASST. INSPR. GEN. OF POLICE
07 SEP 2022
ZONE 2, HQ. ONIKAN LAGOS.

JUSTICE AND PROGRESS

LAGOS STATE GOVERNMENT

LJP/ MISC/2021/289 /92

26TH AUGUST, 2022

The Chief Registrar,
High Court of Lagos State,
Ikeja, Lagos.

Dr x squad
Treat fdsl
07 09 22

THE STATE OF LAGOS

VERSUS

VICTOR CHINEDU (M)

UMEADI LAWRENCE CHIKA (M)

Pursuant to **Section 211(1) (a) of the Constitution of the Federal Republic of Nigeria 1999** (As Amended), I intend to file the attached Information and Proofs of Evidence against the above named Defendant in the Criminal Division of the High Court of Lagos State.

Kindly cause same to be filed in court.

Attached herewith are copies of the Information and Proofs of Evidence for service on the Defendant.

DR. BABAJIDE MARTINS
DIRECTOR OF PUBLIC PROSECUTIONS,
FOR: HONOURABLE ATTORNEY- GENERAL AND COMMISSIONER FOR JUSTICE,
LAGOS STATE.
dpplagosstate@gmail.com
09024224268

COPY TO:

The Assistant Inspector General of Police,
The Nigeria Police,
ZONE 2,
Onikan, Lagos State.

CR: NO. 112/2021

Above is for your information please.

Attached herewith are copies of the Information and Proof of Evidence

Kindly detail the Investigating Police Officer, **ASP. SOLOMON OKOH of 'X' SQUAD, ZONE 2 HEADQUATERS, ONIKAN LAGOS**to collect a copy of the Information and Proofs of Evidence for service on the Defendants and to ensure that the witnesses are notified to testify at the trial on a date which shall be communicated to you in due course.

DR. BABAJIDE MARTINS
DIRECTOR OF PUBLIC PROSECUTIONS,
FOR: HONOURABLE ATTORNEY- GENERAL AND
COMMISSIONER FOR JUSTICE,
LAGOS STATE
Dpplagosstate@gmail.com
09024224268

IN THE CRIMINAL DIVISION OF THE
HIGH COURT OF LAGOS STATE
IN THE IKEJA JUDICIAL DIVISION
HOLDEN AT IKEJA

CHARGE NO.....

THE STATE OF LAGOS

VERSUS

VICTOR CHINEDU (M)

UMEADI LAWRENCE CHIKA (M)

PROOFS OF EVIDENCE

DR. BABAJIDE MARTINS
DIRECTOR OF PUBLIC PROSECUTIONS,
FOR: HONOURABLE ATTORNEY- GENERAL AND
COMMISSIONER FOR JUSTICE,
LAGOS STATE,
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09024224268

ATTORNEY-GENERAL'S CHAMBERS
LAGOS STATE MINISTRY OF JUSTICE
OBAFEMI AWOLOWO WAY,
THE SECRETARIAT,
ALAUSA-IKEJA.

IN THE CRIMINAL DIVISION OF THE
HIGH COURT OF IKEJA STATE
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT IKEJA

CHARGE NO .....

THE STATE OF LAGOS

VERSUS
VICTOR CHINEDU (M)
UMEADI LAWRENCE CHIKA (M)

LIST OF WITNESSES AND EXHIBITS

TAKE NOTICE that at the trial of the above named Defendants, the State of Lagos intends to call the following witnesses to testify as per the attached photocopies of their statements and to rely on the following exhibits:

LIST OF WITNESSES

1 Okpala Anthony
2 GbolagbadeAbdulfatahi Ade
3 David Ekpong Egbara
4 CSP. ObioraOkonkwo
5 ASP. Garba Mohammed
6 ASP. Okoh Solomon
7 INSPR. OlusolaOlagbaju
8 INSPR. Chichi Okoro

} To give evidence of investigation and tender all necessary exhibits.

LIST OF EXHIBITS

1 Statements of the Defendants – Copied
2 DVD of Voice Recording between Umeadi Lawrence Chika and Chinedu Victor
3 Certified Document of CAC Certificate of Incorporation of AlMajdal Limited.
4 Certified True Copy of Form CAC 7 dated 30th of October 2009 for RachidOssmat and Muhammed Abdul.
5 CAC Certified True Copy of Form CAC 2A verified on 12th of March 2020.

6 CAC Certified True Copy of Form CAC 7 verified on 3rd of March 2011.
7 Certified True Copy of Special Resolution of AlMajdal Limited dated 1st of November 2018.
8 CAC Form 7Averified on 19th November 2018.
9 Certified True Copy of CAC Form 7A dated 22nd of November 2018.
10 Certified True Copy of CAC Ordinary Resolution ofAlMajdal Limited dated 10th of November 2018.
11 CAC Certified True Copyof Form CAC 3 verified on 12th March 2020.
12 Certified True Copy of CAC Special Resolution of AlMajdal Limited dated 4th of March 2020.
13 CAC Certified True Copy of Special Resolution dated 7th of January 2011.
14 CAC Certified TC Special Resolution of AlMajdal Limited dated 10th of February 2020.
15 CAC Certified True Copy of Board Resolution of AlMajdal Limited dated 4th of March 2020.
16 CAC Certified True Copy of Ordinary Resolution of Almajdal Limited dated 11th of March 2021.
17 Certified True Copy Of CAC Ordinary Resolution of AlMajdal Limited dated 4th of March 2020.
18 Form CAC 7A verified on 12th of March 2020.
19 CAC Certified True Copy of Form CAC 2.1 dated 30th of May 2022 for OsujiOkechi Stephen.
20 CAC Certified True Copy of Form CAC 2.1 dated 30th of May 2022 forObakpeIgbinosa Femi.
21 CAC Certified True Copy of Form CAC 2 dated 30th of October 2009.
22 CAC Certified Trueof Form CAC 4 dated 2nd of November 2009.
23 CAC Certified True Copy Form CAC 2.4 verified on 19th of March 2021
24 CACCertified True Copy of form CAC 3 verified on 3rd of November 2009.i
25 Share Transfer betweenMuhammed Abdul, Opkala Anthony with MujidKazeemOlushola dated 1st of November 2019.
26 Share Transfer between RachidOsmatt and WahilKutrub dated 1st of November 2018.
27 Share Transfer between Muhammed Abdul and OkpalaAnthony withMojeedKazeemOlushola dated 1st of November 2018.
28 CAC Certified True Copy of Board Resolution of AlMajdal limited dated 10th of November 2018.

29 Forensic Report (Examination and Comparison of signature 2nd of October 2020).

30 Certified True Copy of Memorandum of Association of AlMajdal Limited dated 2nd of July 2020.

31 Certified True Copy of Articles of Association of AlMajdal Limited dated 2ndof July 2020.

32 Newspaper Publication (Vanguard Newspaper page 14) dated 8th of June 2021.

33 Any other relevant document/exhibits – Not Copied

IN THE CRIMINAL DIVISION OF THE
HIGH COURT OF LAGOS STATE
IN THE IKEJA JUDICIAL DIVISION
HOLDEN AT IKEJA

CHARGE NO.....

INFORMATION

THE STATE OF LAGOS

VERSUS
VICTOR CHINEDU (M)
UMEADI LAWRENCE CHIKA (M)

THE.....DAY OF.....2022

At the Criminal Division of the High Court of Lagos State holden at Ikeja on the.....day of .....2022, the Court is informed by the Director of Public Prosecutions on behalf of the State that

VICTOR CHINEDU (M)
UMEADI LAWRENCE CHIKA (M)

are charged with the following offences:

STATEMENT OF OFFENCE- COUNT 1

Conspiracy to Commit a Felony contrary to Section 411 of the Criminal Law, Cap C.17, Vol.3, Laws of Lagos State, 2015.

PARTICULARS OF OFFENCE

VICTOR CHINEDU (M) and UMEADI LAWRENCE CHIKA (M) sometimes in April 2021 at Almajdal Ltd situate at 5, Adeola Crescent Off Adeniyi Jones, Ikejain the Ikeja Judicial Division did conspire amongst yourselves to commit felony.

STATEMENT OF OFFENCE :COUNT 2

Stealing contrary to Section 287 (8) of the Criminal Law Cap.17, Vol.3 Laws of Lagos State, 2015.

PARTICULARS OF OFFENCE

VICTOR CHINEDU (M) and LAWRENCE CHIKA (M) sometimes in April 2021 at Almajdal Ltd situate at 5, Adeola Crescent Off Adeniyi Jones, Ikeja in the Ikeja Judicial Division stole some properties belonging to Almajdal Company Limited valued at N21,500,000 (Twenty – One Million Five Hundred Thousand Naira).

DATED THIS.....26TH.....**DAY OF**.....AUGUST.....**2022**

DR. BABAJIDE MARTINS
DIRECTOR OF PUBLIC PROSECUTIONS.
FOR: HONOURABLE ATTORNEY- GENERAL AND
COMMISSIONER FOR JUSTICE,
LAGOS STATE.
Dpplagosstate@gmail.com
09024224268

NIGERIAN BAR ASSOCIATION
NBA
BABAJIDE O. MARTINS
SCN015280
No 06919914
Valid Till March 2023

BENCH WARRANT FOR ARREST AND PRODUCTION ISSUED BY COURT NO. 64 OF THE HIGH COURT OF LAGOS STATE, CRIMINAL DIVISION, IKEJA, LAGOS STATE.

SUIT NO.: ID/19765C/22

BETWEEN

THE STATE OF LAGOS

PROSECUTION

AND

VICTOR CHINEDU & ANR

DEFENDANT(S)

WHEREAS: VICTOR CHINEDU AND UMEADI LAWRENCE CHIKA

Was bound to appear before this Court on the 28TH day of OCTOBER 2022

but he failed to appear.

And whereupon this Court Ordered for the issuance of a Bench Warrant for his arrest and production in Court on the next adjourned date and on every other subsequent dates until otherwise directed by the court.

You are hereby directed to arrest his Surety SUIT 9A EAST PAVILON, TBS LAGOS of No 33 Fagbohun Street Okunde Lagos Egbeda - Bus-stop and produce him in my Court on the 9TH day of NOVEMBER 2022

Hon. Justice Ismail O. Ijelu

I. O IJELU

JUDGE.