

Suspicion is Not Proof: How Appellate Advocacy Corrected a Wrongful Conviction in Alhaji Sharafadeen Irorun V. The State of Lagos



Abstract

This review undertakes a rigorous doctrinal and jurisprudential analysis of the Nigerian Court of Appeal's decision delivered on the 9th day of January, 2026 in Appeal No: CA/L/CR/881/2024 – Alhaji Sharafadeen Irorun v. The State of Lagos, wherein the appellate court overturned the conviction and 40 years' imprisonment term entered by the High Court against the Appellant. The judgment presents a compelling restatement of the fundamental principles governing criminal trials—particularly the burden of proof, evaluation of evidence, contradictions, and the dangers of speculative reasoning. By dissecting the Court of Appeal's reasoning, this article exposes the systemic risks posed when trial courts substitute suspicion for proof and underscores the appellate court's constitutional role as a corrective institution in the administration of criminal justice.

1. Introduction

There is no gainsaying that criminal adjudication is the most coercive exercise of state power. It authorises the deprivation of liberty, and, in some cases, life, through judicial process. Thus, the criminal process is premised on a delicate balance: society's interest in punishment and the accused's individual right to liberty.

In sustaining this delicate balance, there lies an undeniable truth that wrongful convictions remain one of the most profound failures of criminal justice systems worldwide. In Nigeria, the constitutional guarantee of fair hearing and the presumption of innocence are intended to prevent such outcomes. For this reason, Nigerian criminal jurisprudence has consistently insisted on strict compliance with evidentiary and procedural safeguards, chief among them being the prosecution's obligation to prove its case beyond reasonable doubt.

Yet, as *Alhaji Sharafadeen Irorun v. The State of Lagos* demonstrates, these guarantees are only as effective as their judicial application.

The High Court's conviction of the appellant was predicated on evidence later found by the Court of Appeal to be legally deficient. The appellate reversal was not a mere difference of opinion but a forceful declaration that the trial court had departed from settled principles governing proof, evaluation of evidence, and criminal responsibility.

The decision in *Alhaji Sharafadeen Irorun v. The State of Lagos* exemplifies the appellate court's duty to restore that balance when it is distorted at the trial level. This review appraises the decision of the Court of Appeal as both a doctrinal intervention and a systemic corrective.

2. Case Background

The Appellant was originally arraigned on a 12-count amended information under Sections 312 and 285(b) of the Criminal Law of Lagos State, 2011, alleging he fraudulently obtained and stole monies from several individuals under the guise of procuring Hajj pilgrimage slots. The High Court found him guilty on Counts 1 and 5 (obtaining by false pretence) and Counts 2 and 6 (stealing), while acquitting him on all other counts. Pursuant to this, the Appellant was handed a 10-year sentence respectively on Counts 1, 2, 5 and 6, summing up to 40 years imprisonment.

On appeal to the Court of Appeal, the two issues distilled from the Appellant's Brief of Argument settled by EMEKE ANANYI ESQ. of ECOLAW FIRM, condensed here for concision thus: (1) whether the lower court erred in convicting the Appellant of obtaining by false pretence and stealing, (2) having regard to the prosecution's failure to prove guilt beyond reasonable doubt, the overall facts and evidence adduced, and the Appellant's entitlement to a fair hearing.

The Court of Appeal focused on determining if the prosecution proved the guilt of the Appellant beyond reasonable doubt.

Embarking on this appellate adjudicatory sojourn via scrutiny of the evidence adduced and relied upon in establishing the accused's guilt revealed several fundamental flaws in the trial court's findings.

The most prominent flaw has to be the absence of direct interaction. Testimony from the nominal complainants established that they never dealt, interacted, or communicated directly

with the Appellant at any point in time. They merely believed him to be the mastermind without him ever making any representations to them.

Also problematic was the failure to prove false pretence. In the case of *IKPA V. THE STATE* (2018) 4 NWLR (PT. 1609) 175, the Supreme Court of Nigeria held that:

It is to be noted that for the prosecution to prove the offence of obtaining by false pretence, it must be established thus:-

- a. A pretence was made by the accused person.**
- b. The pretence was false.**
- c. The accused knew the pretence to be false and did not believe it to be true.**
- d. The pretence operated on the mind of the person from whom the property was obtained.**
- e. Some property must have been obtained as a result of the pretence.**

Owing to the absence of direct dealings by the nominal complainants with the accused, the essential element of false pretence failed woefully, as pretence by its nature involves presenting a mirage compelling enough to be perceived as accurate. It is a deliberate act of subterfuge employed to gain an advantage. In the context of the instant case, the evidence indicated that the complainants dealt exclusively with a third party, PW3, who made the representations upon which they relied and made payments. That being the circumstance, it eludes sound reason as to how the Appellant could have been imputed with commission of the crime where there is clearly a lack of *actus reus* and *mens rea*, which are salient to grounding a conviction? On this, the Court of Appeal maintained that it is a legal impossibility to infer a guilty mind (*mens rea*) for an act or representation (*actus reus*) that was never made by the accused.

3. Discerning the Appellate Court's Reasoning

Section 36(5) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) presumes every accused person innocent until proved guilty. This presumption is not symbolic; it imposes a substantive and unrelenting burden on the prosecution to establish every element of the offence beyond reasonable doubt.

At the High Court, the appellant was convicted on the basis of evidence the Court of Appeal later found to be legally insufficient, internally inconsistent, and improperly evaluated. On the element of false pretence, the Appellate Court emphasised that a trial court must limit itself to the specific charges before it and cannot rely on speculation or conjecture. The judgment reinforces the principle that if any representation was made, it was by PW3, not the Appellant; therefore, the Appellant could not be held liable for an offence requiring a direct fraudulent misrepresentation to the victims.

Central, also, to the Court of Appeal's reasoning was the failure of the prosecution to discharge the burden of proof beyond reasonable doubt, as constitutionally mandated on the element of stealing.

Rather than anchoring its findings on cogent, credible, and corroborated evidence, the trial court relied heavily on inferences not supported by direct or circumstantial evidence, testimonies riddled with material contradictions and assumptions about the appellant's conduct that were never proved.

The nominal complainants having admitted under cross-examination that all the monies were paid to PW3, how then could it be said that the Appellant committed the offence of stealing? Even the trial court found it perplexing that the Information before the court indicated no amended count with respect to the money received by PW3.

The Court of Appeal emphatically reiterated that criminal liability cannot rest on speculation or conjecture, however compelling the narrative may appear. Where evidence leaves room for reasonable doubt, that doubt must operate in favour of the accused. Anything less converts the criminal trial into a moral tribunal rather than a legal one.

This reaffirmation is doctrinally orthodox but practically urgent in a system where trial courts sometimes treat proof as a procedural formality rather than a substantive safeguard.

Contradictions, Credibility, and the Collapse of the Prosecution's Case

A major pillar of the appellate decision was the mishandling of contradictions in the prosecution's evidence. The Court of Appeal carefully distinguished between minor discrepancies attributable to human fallibility and material contradictions going to the root of the prosecution's case. The latter, the court held, are fatal when they relate to the identity of perpetrators, the sequence of events, and the essential ingredients of the offence charged. Specifically, at page 36 of the Judgment, the Court of Appeal held as follows:

"From the testimonies of the PW3, as against direct evidence which was so lacking and created so much doubt that the evidence of PW1 and PW2 Suffered the effect of same. What a lengthy, conflicting, confusing and doubtful testimony by PW3 which ended up establishing nothing."

Bearing these to the core of the case, there is no doubt that the contradictions were not merely peripheral; they struck at the heart of the alleged crime. Yet the trial court either ignored them or rationalised them away in a manner inconsistent with settled law.

The appellate court rightly observed that a trial court has no judicial licence to repair a broken prosecution case.

This aspect of the judgment is particularly significant because it denounces a growing judicial tendency to “smooth over” inconsistencies in the name of substantial justice, which, paradoxically, undermines the crucible of justice itself, and dangerously so, in criminal trials.

The Court of Appeal essentially agreed with the appellant’s core submission: the prosecution failed to prove that the appellant personally made the false pretence or directly participated in the fraudulent obtaining/stealing in a manner that satisfied the criminal standard of proof beyond reasonable doubt. The intermediary role of PW3 created a fatal break in the chain of evidence directly implicating the appellant in the actus reus of the proved counts.

Suspicion Is Not Evidence: The Perennial Warning Re-Issued

Perhaps the most philosophically important contribution of the judgment lies in its forceful restatement that suspicion, no matter how strong, can never take the place of legal proof. The trial court’s reasoning revealed a subtle but dangerous slide from evidence to suspicion to conclusion.

The Court of Appeal dismantled this progression, emphasising that the criminal process is not concerned with what might have happened, but with what has been proved. Where the prosecution’s case invites the court to “connect the dots” without evidentiary support, the proper judicial response is acquittal, not creative reasoning. The exact wordings of the appellate court appear at pages of the 37 – 38 where the court held that:

“PW1, PW2 and PW3 testified on making bank transfers especially to the Appellant, yet none of the bank transactions were tendered in evidence. The court works with evidence not on speculations and assumption of facts put forward by parties and their witnesses... Why does the Respondent want the court to speculate on what the Appellant took? Obviously, there is nothing before the court to complete the element of stealing that the Appellant took something from anyone let alone PW1, PW2 and PW3. More so, the mens rea and actus reus were not established...”

This principle, though elementary, is frequently violated in practice, especially in emotionally charged cases. The appellate court’s insistence on doctrinal purity thus performs an essential constitutional function.

4. Appellate Review as a Constitutional Safeguard

Beyond its immediate holdings, *Alhaji Sharafadeen Irorun v. The State of Lagos* underscores the structural importance of appellate courts in Nigeria’s criminal justice system. In arriving at its decision, the Court of Appeal did not merely substitute its views for those of the trial court; it identified the misapplication of legal principles to the case, the failure to properly evaluate evidence and the erroneous inferences unsupported by the record.

This approach aligns with the settled position that appellate courts will intervene where findings are perverse, unsupported by evidence, or result in a miscarriage of justice.

In doing so, the court reaffirmed that judicial discretion at the trial level is not absolute and must always be exercised within the bounds of law and logic.

This was demonstrated by the Court of Appeal at page 41 of the judgment, where the court overturned the erroneous judgment of the trial court, when it held that:

“Clearly, the judgment of the trial court was perverse, in the circumstance, this court is bound to interfere and correct the miscarriage of justice suffered by the Appellant... The Respondent failed to discharge their burden of proof in establishing the elements of obtaining by false pretence and stealing against the Appellant. In view of the fact that all the issues raised by the Appellant’s Counsel for determination are resolved in favour of the Appellant, this appeal is meritorious and is hereby allowed. Consequently, the judgment of the High Court of Lagos State, sitting at Ikeja Judicial Division and delivered by HON. JUSTICE O.A. OGALA on the 29th of April, 2024 in Suit No: ID/4605C/2017, is hereby set aside. The Appellant is accordingly discharged and acquitted on Counts 1, 2, 5 and 6.”

The appellate court’s intervention was not merely corrective; it was normative, reasserting foundational criminal law principles that had been eroded by the trial court’s approach.

This judgment therefore transcends its immediate facts and serves as a cautionary tale about judicial overreach, evidentiary laxity, and the perils of outcome-driven adjudication.

5. Conclusion: Re-centering Criminal Adjudication on Proof and Principle

Suspicion is legally sterile, and contradictions cannot be judicially cured. Above all else, when a person stands accused of a crime, the presumption of innocence bestowed upon them by law makes it incumbent on the prosecution to prove the accused’s guilt, and it is a burden that never shifts to the accused.

There is no doubt that we exist in an unprecedented era where public pressure and moral panic often intrude upon judicial reasoning, thus inspiring a predilection towards delivering convictions. It is for this reason that the Court of Appeal’s decision in *Alhaji Sharafadeen Irorun v. The State of Lagos* stands as a doctrinally rich and institutionally important judgment, and a clear reaffirmation of legal first principles. It also serves as a cautionary tale against the judicial temptation to cure prosecutorial inadequacy through inference and underscores the appellate court’s role as guardian against miscarriages of justice.

Now, it is impossible to analyse this decision without acknowledging the role of effective defence advocacy. In systems burdened by congestion and institutional pressure, wrongful convictions often persist not because the law is unclear, but because errors go unchallenged.

The successful appeal, prosecuted by ECOLAW FIRM's team of brilliant lawyers, illustrates the indispensable function of skilled criminal defence lawyers in exposing evidentiary weaknesses, doctrinal errors, and judicial overreach, and demonstrates how rigorous appellate advocacy can restore liberty and reaffirm constitutional norms.

For the common man who is increasingly concerned about the integrity of criminal adjudication, this judgment restores confidence in the judiciary as a disciplined, principled, and rights-protective enterprise.

And for scholars, practitioners, and judges alike, the decision is a timely re-assertion that a vibrant and erudite criminal justice system is not made manifest through the quantity of convictions secured, but by securing reformatory justice through sound logic and conformity with the law.