

***Kidnapping – When Proof of Intention to Demand Ransom will be Essential to Sustain  
same***

In the Supreme Court of Nigeria  
Holden at Abuja  
On Friday, the 13<sup>th</sup> day of June, 2025

**Before Their Lordships**  
John Inyang Okoro  
Tijjani Abubakar  
Chidiebere Nwaoma Uwa  
Habees Adewale O. Abiru  
Mohammed Baba Idris  
***Justices, Supreme Court***

SC/CR/264/2022

**Between**

**IFEANYI ABANOBI**

**APPELLANT**

**And**

**THE STATE**

**RESPONDENT**

***“... Where the definition of kidnapping includes abduction for some specific purpose, the mens rea that the prosecution must prove in order to obtain a conviction must include the specific purpose.”***

***(Lead judgement delivered by Honourable John Inyang Okoro, JSC)***

**Facts**

The Appellant was arraigned before the High Court of Abia State, Isuikwuato Judicial Division on a one-count charge of kidnapping contrary to Section 3(a) of the Abia State Prohibition of Terrorism, Kidnapping, Hostage Taking, Use of Offensive Weapons or Explosives and other Threatening Behaviour Law, No. 10 of 2009. The case of the Respondent (Prosecution) was that on 26<sup>th</sup> October 2014, the Appellant, Ifeanyi Ananobi,

acting in concert with others, kidnapped a certain Madam Lydia Acho, a 98-year-old woman (*"the victim"*), from her residence in Isuikwuato Local Government Area of Abia State, and held her hostage. The victim was later rescued on the same day at Ikwuano Local Government Area of the State following a police chase. The Appellant and a co-accused were subsequently apprehended at the scene, with the Appellant sustaining gunshot injuries in the process.

Following his arrest, the Appellant made a statement at the police station which was admitted in evidence as Exhibit "B". He testified as the sole witness in his defence. The Appellant's defence was that he was travelling from Aba when he conveyed some passengers in his vehicle. By his testimony, some of the passengers later alighted from the vehicle, leaving two persons who allegedly took over the vehicle and used it to carry out the kidnapping. The Appellant claimed that the police pursued the vehicle, forcing the alleged kidnappers to crash into a tree and abandon the vehicle. The Appellant further testified that he was released by the fleeing kidnappers during an exchange of gunfire, during which he was shot. That he hid in the bush overnight and came out the following morning with the intention of reporting the incident at the police station. However, upon coming out of the bush, he was apprehended by the police and subsequently charged with the offence of kidnapping.

At the conclusion of trial, the court delivered its judgement wherein it convicted the appellant and sentenced him to death. Dissatisfied, the Appellant appealed to the Court of Appeal which court unanimously dismissed the appeal. Thereafter, the Appellant filed a further appeal to the Supreme Court.

### **Issue for Determination**

The Supreme Court adopted the sole issue for determination distilled by the Appellant in determining the appeal as follows:

*Whether the court below having regard to the evidence on record was right when it upheld the judgement of the trial court that the prosecution proved its case against the Appellant beyond reasonable doubt?*

### **Arguments**

Arguing the sole issue, counsel for the Appellant submitted that the lower court erred in law when it affirmed the judgement of the trial court which held that the prosecution proved the offence of kidnapping against the Appellant beyond reasonable doubt.

Counsel argued that in line with the provisions of Section 3(a) of the Abia State Prohibition of Terrorism, Kidnapping, Hostage Taking, Use of Offensive Weapons or Explosives and other Threatening Behaviour Law, No. 10 of 2009, the prosecution was under a mandatory duty to prove that the alleged kidnapping was carried out for the purpose of payment of ransom. Counsel argued that the prosecution failed to prove that the victim was kidnapped for the purpose of payment of ransom which is an essential element to prove the offence of kidnapping under the law in Abia State. He submitted that the trial court, whose decision was affirmed by the lower court, wrongly relied on the decision in **EMEMOBONG EDET UMOH v STATE (2013) LPELR-21410 (CA)** to hold that the offence of kidnapping could be proved with or without a demand for ransom. He posited that the said authority was inapplicable to the instant case, having been decided under Section 16 of the Akwa Ibom State Internal Security and Enforcement Law, 2009, which expressly defines kidnapping to include seizure of a person “with or without demand for ransom.” Counsel maintained that the Abia State law under which the Appellant was charged contains no such provision, and that the courts below were therefore wrong to import the interpretation of a different statute into the instant case. Similarly, Counsel argued that the reliance placed by the lower court on the decision in **OKASHETU v STATE (2016) 15 NWLR (PT. 1534) 126** was misconceived, as that case emanated from Delta State and was not decided under Section 3(a) of the Abia State Law.

Counsel argued further that the lower court was wrong to have relied on the testimony of PW2 as it was filled with inconsistencies and lapses, and as such, it was unsafe to convict the Appellant based on the testimony of PW2. He submitted that the police failed to properly investigate the Appellant’s defence that his vehicle was forcefully taken from him at gunpoint. Counsel maintained that from the earliest opportunity, the Appellant informed the police of his abduction, yet no investigation was carried out to verify his account. And that there was no evidence on record contradicting the testimony of the Appellant on how his vehicle was snatched and how he himself was a victim. In conclusion, counsel submitted that the prosecution failed to prove the essential ingredient of kidnapping “**for the purpose of payment of ransom**” as required by Section 3(a) of the Abia State Kidnapping Law.

Responding to the submissions of the Appellant, the Respondent argued that the Appellant, by implication, conceded that all other essential ingredients of the offence of kidnapping were duly established by the prosecution at the trial court. Counsel argued that the case of the Appellant is narrowly anchored on the sole contention that the prosecution failed to prove that the kidnapping was carried out with the intention of demanding and receiving ransom. He argued that the testimony of PW2 provided direct

insight into the circumstances of the kidnapping and the trial court, rightly found that the intention of the Appellant and his co-marauders was to kidnap victim for the purpose of demanding payment of ransom. He referred to page 114 to 117 of the record of appeal to submit that the contents did not support the arguments of the Appellant that PW2's testimony was fabricated, contradictory, or disjointed. Rather, PW2's evidence was found to be cogent, consistent, and credible by the trial court, and this finding was rightly affirmed by the Court of Appeal. Counsel consequently urged the Honourable Court to resolve the sole issue for determination against the Appellant and to affirm the decisions of the trial court.

### **Court's Judgement and Rationale**

In resolving the sole issue, the Supreme Court raised two questions as germane for its determination - *(i) does the demand for ransom payments constitutes an indispensable element, a sine qua non, for the offence of kidnapping to be established? and (ii) how is intention proved?*

The Supreme Court reiterated the settled position of law that *the prosecution discharges its burden of proving the offence of kidnapping beyond reasonable doubt when the evidence adduced demonstrates the unlawful taking of the victim, against his or her wish*. The apex court relied on **BELLO OKASHETU v STATE (2016) LPELR-4001 (SC)** at pages 15-16, paras. E-A, in which it held that *"In order for the Prosecution to succeed under this count, it has to prove the following facts beyond reasonable doubt: (a) That the victim was seized, and taken away by the accused person; (b) that the victim was taken away against his consent; and (c) that the victim was taken away without lawful excuse. The offence of kidnapping is complete when the victim is carried away against his wish"*.

The apex court held that *the essential element for the offence of kidnapping is the non-consensual deprivation of liberty through the physical removal of the person from his or her chosen location. Thus, the intention of the perpetrator is not necessary element for the completion of the actus reus of kidnapping in all its forms*. The jurisprudence on the offence of kidnapping extends beyond instances solely motivated by demand for payment of ransom. However, in considering the specific provision of Section 3 (a) of the Abia State Prohibition of Terrorism, Kidnapping, Hostage Taking, Use of Offensive Weapons or Explosives and other Threatening Behaviour Law, No. 10 of 2009, which provides that: *"Any person who, for the purposes of payment of ransom, kidnaps and takes another person hostage is guilty of an offence"*, the court held that *where the definition of kidnapping includes abduction for some specific purpose, the mens rea that the prosecution must prove in order to obtain a conviction must include the specific purpose. Therefore, it is not enough to prove that the*

*Defendant intended to abduct the victim. In order to secure a conviction of the Defendant, the prosecution must prove that the Defendant abducted the victim with the specific intention of obtaining payment of ransom. The prosecution has to prove beyond reasonable doubt that the accused intended to detain the alleged victim in order to demand and obtain a sum of money for the alleged victim's release. It does not matter whether the Defendant succeeded in obtaining any money. There must be some overt act manifesting that intention. To determine if there was intention to demand for ransom, the Supreme Court held that **a Defendant's intention can be inferred from his conduct, surrounding circumstances and intervening events, within which he acts. It is from the manifestation of his conduct that his intention can be ascertained.***

The Supreme Court held that from the fact of the case, it was undisputed from the evidence of PW2 who identified the Appellant as one of the kidnappers that the Appellant was part of the gang that broke into the house of the victim and demanded for the money the victim's son sent to her, at gun point. Their Lordships held that *on a community consideration of the Appellant's conduct, coupled with the entire circumstances of the case as well as the events leading to same, it was clear that the intention of the Appellant was in tandem with "for purposes of payment of ransom, kidnaps and takes another person hostage."*

With regards to the Appellant's attempt to discredit the testimony of PW2 in his Appellant's brief, the court held that the legally designated arena for such an assault on the credibility of a witness has always been the trial court, during the heat of the proceedings, and not in the sterile confines of a written brief. Their Lordships held that PW2 remained steadfast under cross examination that the accused was among those that she saw from the lights they were flashing. This piece of evidence was not rebutted by the Appellant and was rightly accorded probative value by the trial court and the Court of Appeal.

In conclusion, the Supreme Court held that kidnapping in any form is a heinous offence; it instils fear, erodes trust, and undermines the sense of security that should prevail in our communities. Accordingly, the apex court resolved the sole issue for determination against the Appellant and affirmed the conviction and sentence of the Appellant.

*Appeal dismissed.*

## **Representation**

C.N. Nwokorie, Esq. for the Appellant.

O.O. Amuzie, Esq. (with *fiat* of the A-G, Abia State) for the Respondent.

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