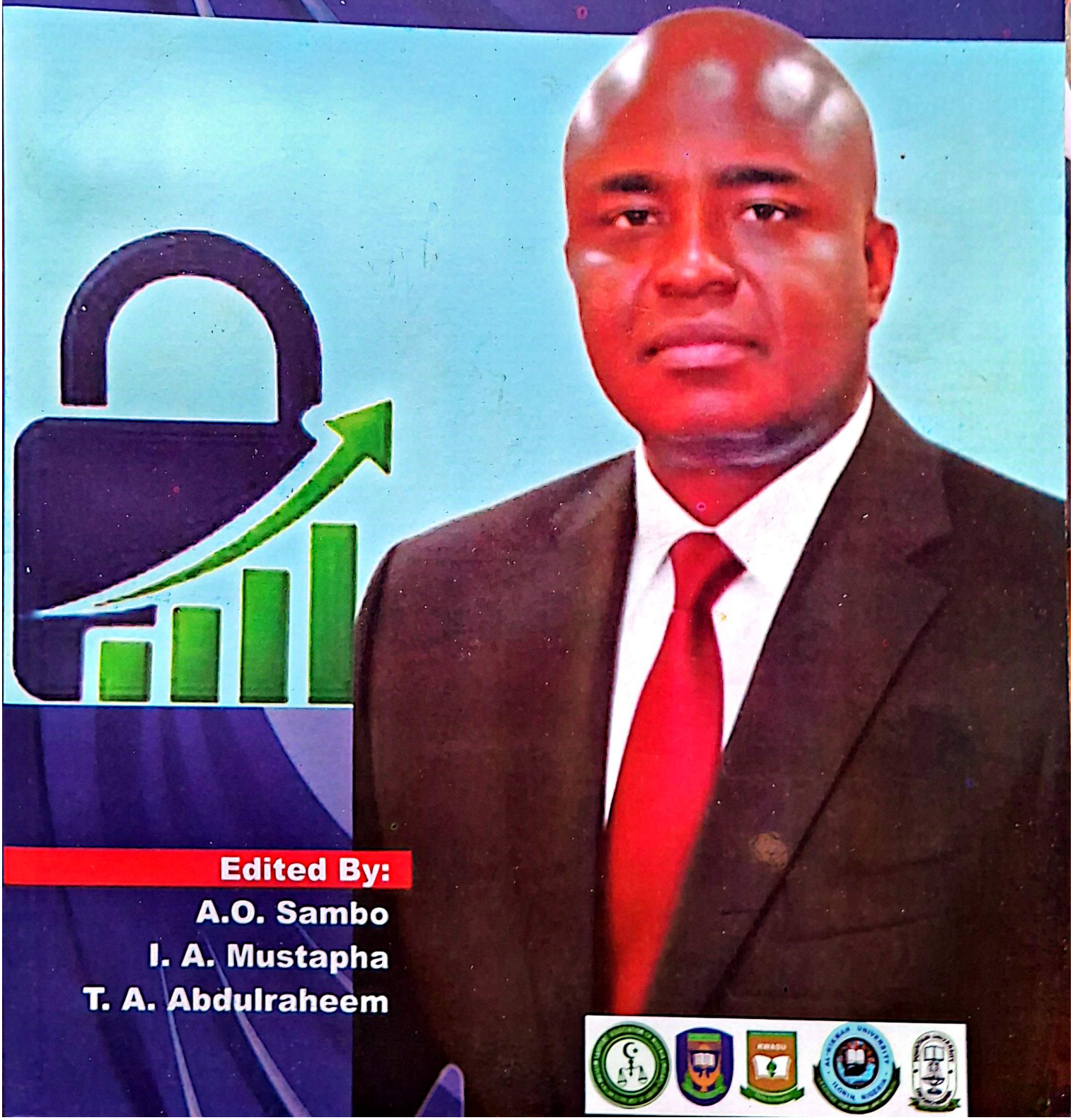
NATIONAL SECURITY AND ECONOMIC DEVELOPMENT UNDER THE NIGERIAN AND ISLAMIC LAWS

(Essays in Honour of Ahmed Raji, SAN)



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CHAPTER TWENTY

REVIEW OF THE ADVOCACY OF AHMED RAJI (SAN) IN THE CASE OF TALAL AHMAD RODA v. FRN (2015) 10 NWLR (PT. 1468) 427

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20.1 INTRODUCTION

Appellate advocacy remains a critical instrument in the refinement and consolidation of criminal jurisprudence, particularly in jurisdictions where the Supreme Court serves as the final arbiter of legal principle. The decision in *Talal Ahmad Roda v. FRN* provides a compelling context for examining the role of skilled advocacy in exposing doctrinal inconsistencies and correcting judicial error. The case raised fundamental issues bordering on the nature of conspiracy, the evidential threshold required for criminal conviction, and the duty of courts to properly evaluate evidence. Within this framework, the appellate advocacy of Ahmed Raji stands out as both technically rigorous and strategically decisive.

The jurisprudence of criminal law in Nigeria is anchored on the constitutional presumption of innocence and the requirement that guilt must be established beyond a reasonable doubt. These principles impose a stringent burden on the prosecution and demand careful judicial scrutiny

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of evidence. In *Talal Ahmad Roda v. FRN*, the lower courts' findings raised concerns regarding the consistency of verdicts in multi-accused trials and the propriety of sustaining a conviction for conspiracy where other alleged participants had been acquitted. Against this background, the intervention of appellate counsel becomes significant. Raji SAN's advocacy was directed at reframing the dispute from one of contested facts to one of legal impossibility and evidential insufficiency.

This review interrogates the structure and substance of that advocacy with a view to assessing its doctrinal coherence and persuasive impact. It is contended that the submissions advanced were characterised by a deliberate narrowing of issues to determinative questions of law, particularly the bilateral nature of conspiracy and the evidential inadequacies in the prosecution's case. By invoking settled authorities and constitutional safeguards, counsel demonstrated that the appellant's conviction could not be sustained without violating fundamental principles of criminal justice. Furthermore, the advocacy underscored the dangers inherent in speculative reasoning and inconsistent judicial outcomes, especially in cases involving multiple defendants.

From a methodological standpoint, this article adopts a doctrinal analysis of the arguments presented and their reception by the Supreme Court. It situates the advocacy within the broader context of Nigerian criminal jurisprudence and appellate practice, highlighting its implications for future litigation. Ultimately, the case serves not only as an authority on the limits of conspiracy liability but also as a demonstration of how precise and logically structured advocacy can influence judicial reasoning at the highest level. The review, therefore, contributes to ongoing scholarly discourse on the interplay between advocacy, judicial decision-making, and the development of legal doctrine in Nigeria.

20.2 FACTS OF THE CASE

The case of *Talal Ahmad Roda v. FRN* arose from the prosecution of the appellant, Talal Ahmad Roda, alongside other accused persons on charges bordering on conspiracy and related financial offences. The prosecution alleged that the appellant, in concert with others, participated in unlawful financial transactions constituting economic crimes under Nigerian law.

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At the trial before the High Court, the appellant was arraigned jointly with co-accused persons, and the prosecution called evidence intended to establish a common criminal design among the defendants. The case against the appellant was largely predicated on his alleged association with the other accused persons and inferred participation in the purported unlawful scheme. However, upon the conclusion of the trial, the court found that the evidence against the co-accused persons was insufficient and consequently discharged and acquitted them of all the counts.

Notwithstanding the acquittal of the other defendants, the trial court proceeded to convict the appellant on some of the counts, including conspiracy, on the basis of the evidence it considered applicable to him. The appellant, dissatisfied with the decision, appealed to the Court of Appeal, contending, inter alia, that the conviction was erroneous in light of the acquittal of the alleged co-conspirators and the failure of the prosecution to establish his guilt beyond a reasonable doubt. The Court of Appeal, however, affirmed the conviction in part, maintaining that the evidence on record was sufficient to sustain the findings of the trial court. Further aggrieved, the appellant appealed to the Supreme Court. The appeal thus presented a factual matrix marked by the acquittal of co-accused persons, the selective conviction of the appellant, and questions as to the sufficiency and consistency of the evidence relied upon by the prosecution. These circumstances formed the basis upon which the Supreme Court was invited to re-evaluate the legal and evidential foundation of the conviction.

20.3 DECISIONS OF THE COURT

The Supreme Court, in a firm and well-reasoned decision, allowed the appeal and set aside the conviction of the appellant. Its reasoning was grounded in established principles of criminal law, particularly those governing conspiracy and the standard of proof required in criminal trials. On the issue of conspiracy, the Court made it clear that the conviction could not stand. Since all other alleged co-conspirators had earlier been discharged and acquitted, there was no legal basis for sustaining the appellant's conviction. The Court reiterated the settled position that conspiracy necessarily involves at least two guilty parties. In the absence of such plurality, a conviction for conspiracy becomes untenable. It

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therefore held that the lower courts fell into error by affirming a conviction that, in effect, rested on a legally impossible foundation.

The Court also found that the prosecution failed to prove its case beyond a reasonable doubt. A close examination of the record revealed inconsistencies in the evidence and a lack of credible linkage between the appellant and the alleged offences. The Court stressed that suspicion, regardless of how strong it may appear, cannot substitute for proof. In the circumstances, the appellant was entitled to the benefit of the doubt.

In addition, the Supreme Court faulted the trial court and the Court of Appeal for not properly evaluating the evidence before them. A careful and objective assessment, the Court noted, would have exposed material contradictions and weaknesses in the prosecution's case. In the end, the appeal was allowed, the conviction and sentence were quashed, and a verdict of discharge and acquittal was entered. The decision underscores the limits of conspiracy liability and reaffirms the strict burden of proof required in criminal proceedings.

20.4 ISSUES ARISING FROM THE DECISION

The decision of the Supreme Court in *Talal Ahmad Roda v. FRN* brings to the fore a number of important doctrinal issues in Nigerian criminal law. These issues arise not only from the questions placed before the Court, but more significantly from the manner in which the Court approached and resolved the appeal.

To begin with, the case raises a fundamental question about the nature of conspiracy, whether a conviction for conspiracy can properly stand against a single accused person where all other alleged participants have been acquitted. This touches on the broader issue of whether the offence necessarily requires a plurality of guilty minds and what the law should be where the outcome of a joint trial produces seemingly inconsistent verdicts. The decision also draws attention to the standard of proof required in criminal cases. It raises the question whether a conviction can be sustained on evidence that is largely circumstantial, inconsistent, or based on inference, rather than on clear and convincing proof. In doing so, it reinforces the continuing importance of proof beyond a reasonable doubt

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as a safeguard against wrongful conviction. Another issue highlighted by the case is the duty of both trial and appellate courts to properly evaluate evidence. It brings into focus the circumstances under which an appellate court may justifiably interfere with concurrent findings of fact, particularly where such findings appear to be unsupported by the evidence or reached without adequate consideration of material inconsistencies.

In addition, the case raises concerns about the fairness of selective convictions in trials involving multiple accused persons. It questions the logic of acquitting some defendants on a common set of facts while convicting another in the absence of clear distinguishing evidence. Ultimately, the decision underscores the need to protect the constitutional rights of the accused, especially the presumption of innocence and the entitlement to the benefit of doubt where uncertainty exists. Taken together, these issues highlight the importance of consistency, careful reasoning, and evidential discipline in the administration of criminal justice.

20.5 THE ADVOCACY OF AHMED RAJI, SAN

The appellate advocacy of Ahmed Raji, SAN in *Talal Ahmad Roda v. FRN* was marked by a deliberate and well-organised legal strategy that significantly shaped the trajectory of the appeal. Rather than simply responding to the reasoning of the lower courts, the Senior Advocate approached the case as an opportunity to carefully dismantle the legal and logical basis of the conviction. The submissions were therefore structured, not as a repetition of factual disputes, but as a focused challenge to the correctness of the legal conclusions reached by the courts below.

A key aspect of the advocacy was the conscious decision to reframe the appeal around clear issues of law. Learned Senior Advocate deliberately avoided being drawn into minor factual disagreements and instead concentrated on points capable of decisive legal resolution. This approach is typical of effective appellate advocacy, particularly before the Supreme Court, where the central concern is the correction of legal error rather than the re-evaluation of evidence. By doing so, the learned Silk succeeded in presenting the appeal in a manner that invited the Court to address fundamental questions of criminal law rather than engage in a re-trial of facts.

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A particularly strong point in the advocacy was the argument directed at the legal foundation of the conspiracy conviction. Counsel maintained that conspiracy, by its nature, requires the participation of at least two persons acting in agreement. He therefore argued that once the alleged co-conspirators had been discharged and acquitted, there remained no legal basis for sustaining a conviction against the appellant alone. This submission was framed not merely as a technical objection but as a matter of legal logic: a conspiracy cannot exist in isolation. The argument effectively exposed a contradiction in the lower courts' reasoning, where a conviction was upheld despite the absence of any other legally recognised participant in the alleged agreement. Connected to this was the point on the inconsistent treatment of co-accused persons. Learned Silk highlighted the difficulty of reconciling the acquittal of other defendants with the conviction of the appellant on what was essentially the same evidential foundation. He argued that such selective conviction raised serious concerns about fairness and internal consistency in criminal adjudication. Learned Silk was of the view that the lower courts failed to explain why the same set of facts produced different outcomes for persons allegedly involved in the same transaction, thereby undermining the reliability of the verdict.

Another important strand of the advocacy focused on the quality of the prosecution's evidence. The Learned Silk carefully examined the record and identified inconsistencies, gaps, and areas where the prosecution relied more on inference than on concrete proof. He submitted further that the evidence did not meet the constitutional requirement of proof beyond a reasonable doubt. In line with established criminal law principles, he argued that suspicion, however strong, cannot replace legal proof. This submission was aimed at reinforcing the presumption of innocence and shifting attention to the weakness of the prosecution's case rather than the allegations themselves.

Learned Silk also criticised the approach adopted by the trial and appellate courts in evaluating evidence. He contended that the courts below failed to properly scrutinise material contradictions in the prosecution's case and placed undue reliance on evidence that was not sufficiently reliable. According to the advocacy, a proper evaluation of the record would have revealed that the conviction was not supported by the totality of the

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evidence. This line of argument invited the Supreme Court to intervene on the basis that the findings of the lower courts were unsafe and not properly grounded in law. Underlying all these submissions was a consistent reliance on constitutional safeguards, particularly the presumption of innocence and the right of an accused person to the benefit of doubt. Counsel's arguments were framed in a way that emphasised the protective function of criminal law and the need to avoid convictions based on uncertainty or incomplete proof. This constitutional framing strengthened the moral and legal force of the advocacy.

The advocacy of the Learned Silk was also notable for its structured layering of arguments. Each submission was presented in a way that could independently support the appeal, while also reinforcing the others. For example, the argument on the legal impossibility of conspiracy stood on its own, just as the evidential insufficiency argument could independently justify acquittal. This layered structure ensured that the appeal remained strong even if one line of reasoning was not accepted. Ultimately, the Supreme Court's decision to allow the appeal reflects the effectiveness of this advocacy approach. The Court accepted that conspiracy could not stand in the absence of multiple culpable actors, reaffirmed the need for proof beyond a reasonable doubt, and recognised the importance of coherent and consistent judicial reasoning in criminal trials.

20.6 CONCLUSION

The appellate advocacy of Ahmed Raji in *Talal Ahmad Roda v. FRN* reflects a carefully structured and legally disciplined intervention that had a material bearing on the Supreme Court's final determination of the appeal. The submissions were not presented as a mere disagreement with the concurrent findings of the lower courts; rather, they were developed as a focused and methodical challenge to the legal foundation of the conviction.

In doing so, counsel deliberately shifted attention away from peripheral factual disputes and directed the Court to core issues of criminal law, particularly the requirements of conspiracy and the strict standard of proof in criminal proceedings. A major strength of the advocacy lay in its clear demonstration that a conviction for conspiracy cannot properly stand where all other alleged co-conspirators have been discharged and acquitted. By

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drawing attention to this legal inconsistency, counsel exposed a fundamental defect in the reasoning of the lower courts. The argument was not merely technical; it went to the heart of the offence itself, which, by definition, requires the participation of more than one guilty mind. This line of reasoning provided a strong doctrinal basis for the Supreme Court's intervention and eventual setting aside of the conviction.

Equally important is counsel's close examination of the prosecution's evidence. Through a detailed and careful review of the record, it was shown that the evidence was not only inconsistent but also largely inferential and incapable of meeting the high threshold required in criminal trials. The advocacy emphasised that criminal liability must be established beyond a reasonable doubt, and that suspicion, however compelling, cannot take its place. This approach reinforced the constitutional protection afforded to the accused and highlighted the importance of maintaining strict evidential standards in criminal adjudication.

The advocacy further drew attention to shortcomings in the way the lower courts evaluated the evidence before them. It was argued that a proper and balanced assessment would have revealed significant contradictions and gaps in the prosecution's case. Related to this was the concern raised about the inconsistency of verdicts in a joint trial, particularly where co-accused persons were acquitted on the same evidential basis while the appellant alone was convicted. These concerns collectively pointed to a lack of coherence in the reasoning process adopted by the lower courts.

In the final analysis, the Supreme Court's decision to allow the appeal and enter a verdict of discharge and acquittal reflects the strength and clarity of the advocacy presented. The case demonstrates how well-structured appellate argumentation can expose legal error, correct unsafe convictions, and reinforce fundamental principles of criminal justice. It further illustrates the practical impact of precise and disciplined advocacy in shaping judicial outcomes and strengthening the integrity of criminal jurisprudence in Nigeria.

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