

THE ART AND ESSENTIALS OF JUDGMENT WRITING:- A CRITICAL APPRAISAL OF THE JUDGMENT OF PONTIUS PILATE BEING AN INAUGURAL LECTURE DELIVERED THIS 27<sup>TH</sup> DAY OF OCTOBER, 2018 BY HON. JUSTICE E. F. IKPONMWEN\*, *FCJEI* CHIEF JUDGE EDO STATE IN THE HON. JUSTICE ESOHE IKPONMWEN (*FCJEI*) LECTURE THEATRE OF BENSON IDAHOSA UNIVERSITY

## **PROTOCOLS.**

It is exciting to see a flurry of activities all aimed at making this event a wonderful one and making this day a special one for all of us. I deeply appreciate the University management for the decision to honour me. I whole-heartedly accept this honour to the glory of God Almighty. I appreciate the organizers of this event especially for the latitude given me in the choice of topic to speak on. May I posthumously congratulate the founder of this great institution, the Archbishop Benson A. Idahosa of blessed memory (11<sup>th</sup> September, 1938 – 12<sup>th</sup> March, 1998) for his foresight and determination in daring where it looked impossible to establish this great institution which no doubt is a product of good judgment.

In the book, Archbishop Prof. Benson Idahosa “The LEGEND”<sup>1</sup> the learned author stated thus:

“The Archbishop Idahosa way back in 1978, over twenty years before the University was built, wrote to one of our Elders and Trustee, Elder E. O. Akinjobi:

“You are fully aware of what God is doing in our midst. We have two principal projects to handle in the near future. T.V studio and the University ...”

I therefore feel very honoured to be associated with this great man of God in no small way. Since the news of the honour of giving this inaugural lecture in the law faculty was broken to me I have asked God for answers which I found in the book supra where the author stated that “Papa (Archbishop Benson A. Idahosa) was never interested in denomination but in the fact that you are a Christian ...”<sup>2</sup>

This has made me comfortable because it is known that I am a member of the church of Jesus Christ of Latter day Saints.

After the call to glory of Archbishop B.A. Idahosa I wondered how his beloved spouse would cope and how the church and all his vision would survive.

However there was a great turn when Mama Idahosa was consecrated first female Archbishop in Nigeria nay Africa. And to God be the glory the vision of Archbishop B.A Idahosa remains alive. I watched as the Lord helped them through these past years to take the dream of their founding father to greater heights.

As a Christian reading my scriptures I found intriguing the relationship between the word of God and the law that seeks justice which essence is truth. This has informed the choice of my topic for this lecture which is a mingle or interface between law and religion. In the book “The family Story”<sup>3</sup> by Lord Denning, MR at page 181 stated “... In coming upon legal obstacles, it is not enough to keep your law books dry. It is as well to have a BIBLE ready in hand too. It is the most tattered book in my Library. I have drawn upon it constantly. So did Lord Atkin in the case of **Donoghue v Stevenson** which transformed the law of negligence. He drew (page 580) upon the parable of the GOOD SAMARITAN in Luke 10: 25 – 37

“The rule that you are to love your neighbour becomes in law, you must not injure your neighbour and the lawyer’s question: who is your neighbour? Receives a restricted reply: “You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour.

Who, then in law is my neighbour? The answer seems to be... persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected, when I am directing my mind to the acts or omissions which are called in question”.

At pages 182 – 183 the learned author Lord Denning confirmed my belief in religion and law thus:

“So is the supposed division between law and religion. I know that a great number of people today think that law and religion have nothing in common. The law, they say governs our dealings with our fellows. It lays

down rigid rules which must be obeyed without questioning whether they are right or wrong. But religion, they say concerns our dealings with God, it is concerned with the things of the next world not with the things of the world in which we are living. That is the philosophy of law in which I was brought up. It is a philosophy which governs many of the lawyers of my generation. But it is a false philosophy. The truth is that although religion, law and morals can be separated they are nevertheless very dependent on one another. Without religion, there can be no morality and without morality there can be no law. So I ask you to accept with me that law is concerned with justice. And then I ask the question, what is justice? The question has been asked by many men far wiser than you and I and no one has yet found a satisfactory answer. All I would suggest is that justice is nothing you can see. It is not temporal or eternal. How does a man know what is

justice? It is not a product of his intellect but of his spirit. Religion concerns the spirit in man whereby he is able to recognize what is our everyday affair. If religion perishes in the land, truth and justice will also. We have already strayed too far from the faith of our fathers. Let us return to it for it is the only thing that can save us.”

I have quoted extensively from Lord Denning to justify the topic for this lecture.

I have chosen to speak on “The Art and Essentials of Judgment Writing: A Critical Appraisal of the Judgment of Pontius Pilate”. This topic is expected to appeal to a large segment of this audience made up of the academia who may want to expand, reflect and critically examine it. The University being the bastion of learning and research, the reservoir of scholarship and I dare say the think tank of the society, ...” per Pats-Acholonu JSC in **Magit v U.A.M.**<sup>4</sup>

## INTRODUCTION:

Let me start by embarking on some conceptual clarification. What is judgment? The Oxford Advanced Learner's dictionary 9<sup>th</sup> edition defines judgment as "an opinion that you form about something after thinking about it carefully; the act of making this opinion known to others." If judgment is the opinion formed about something after carefully thinking about it, it means judgment is a subjective exercise which depends on who is exercising the power to judge. The purpose of judgment is to deliver justice. The outcome of any adjudication ought not to depend on the caprice and value of the judge. The act of making opinion known which is the second leg of the dictionary definition of judgment as stated above is an "Art" and has to do with the judge's peculiar style and method of writing or delivering judgment. Hence in the case of *Ekas v Ekas*<sup>5</sup> Pats – Acholonu (Quoting Hon. Justice Jackson) "men who make their way to the Bench sometimes exhibit vanity, irascibility, narrowness, arrogance and other weaknesses for which flesh is heir."

This has nothing to do with the substantive exercise of “careful thinking” which is the first leg of the dictionary definition of judgement. Depending on the values of the judge and intellectual orientation, judgement may depend on a number of factors that do not transcend technical rationality except where there is a sound legal culture in place making known the constituent parts of a judgement by which judicial rationality is assessed.

A society can only be called a “just” one if institutions charged with the responsibility of giving judgement do so based on set of principles which sustain dignity and productivity for every citizen of that society. Accordingly, in *Grand Systems Petroleum Ltd v. Access Bank Plc.*<sup>6</sup> the court said: “All that a good judgement requires is that it must contain some well known constituent parts.” The constituent parts of a judgement, which are legal framework for justice delivery, are the essentials which form bases for assessing the rationality of the judge not the



technical art of judgement writing or the oratorical prowess of the judge.

Consequently, a good judgement should:

- (a) Set out the nature of the action;
- (b) Set out the issue in controversy;
- (c) Review the case for the parties;
- (d) Consider the applicable law and cases; and
- (e) Make specific findings of fact and conclusion and gives reason for arriving at the decisions.

See *Abubakar v. Nnubia* (No. 1) (2012) 17NWLR (pt. 1330) p.407 (SC). See also *Ojogbue v. Nnubia* (1972) 6SC 127; See *Ogboru v. Uduaghan* (2012) 11 NWLR (pt. 1311) p. 357 (SC). See *Sanusi v. Ameyogu* (1992) 4 NWLR (pt. 237) 527; *Imogiemhe v. Alokwe* (1995) 7 NWLR (pt. 409) 581.

However, it is worthy of note that a judgment will not be set aside on proof that one or more of the ingredients of a good judgment are missing, unless it is shown that such an omission resulted in total miscarriage of justice. See *Vogt v. Akin-Taylor* (2012) 10

NWLR (pt. 1307) p. 76. See also A-G., Federation v. Abubakar (2007) 10 NWLR (pt. 1041) 1.

## **DELIVERING A DEATH SENTENCE**

It is important to say a few words about death sentence because in the case under review, Jesus was sentenced to death. Death sentence is the highest of all penalties for the commission of offences because of the involvement of human life. There is a recent global trend against the imposition of death sentence in that it is said to be degrading of human beings. However, in *Amoshima v. State*, the Supreme Court said: The death penalty may be said to be degrading of human beings but the same cannot be said where the law recognizes its existence and desires its enforcement by the court. “However, in a case where the law allows death sentence there is additional burden on the thinking process in adjudication. In *Olowoyo v State*<sup>7</sup> the same court held thus:-

A judgement which sends a man to the gallows to await the hangman to execute him at any minute must be punctuated

by logical thinking based on cogent and admissible evidence in which the facts leading to his conviction are clearly found and legal references are carefully drawn, can hardly be allowed to stand if founded in scraggy reasoning or perfunctory performance.”

## **THE TRIAL OF JESUS CHRIST: THE JUDGEMENT OF PONTIUS PILATE**

The case against Jesus Christ leading to the judgement delivered by Pontius Pilate is captured in Luke 23: 1-25 reproduced below:-

1. And the whole multitude of them arose, and led him unto Pilate.
2. And they began to accuse him, saying, we found this fellow perverting the nation, and forbidding to give tribute to Caesar, saying that he himself is Christ a King.
3. And Pilate asked him, saying, Art thou the King of the Jews? And he answered him and said, Thou sayest it.
4. Then said Pilate to the Chief Priest and the people, I found no fault in the man.

5. And they were the more fierce, saying, He stirreth up the people, teaching throughout all Jewry, beginning from Galilee to this place.
6. When Pilate heard of Galilee, he asked whether the man was a Galilean.
7. And as soon as he knew that he belonged unto Herod's jurisdiction, he sent him to Herod, who himself was also at Jerusalem at that time.
8. And when Herod saw Jesus, he was exceeding glad: for he was desirous to see him for a long season, because he had heard many things of him; and he hoped to have seen some miracle done by him.
9. Then he questioned with him in many words; but he answered him nothing.
10. And the chief priests and scribes stood and vehemently accused him.

11 And Herod with his men of war set him at nought, and mocked him, and arrayed him in a gorgeous robe, and sent him again to Pilate.

12 And the same day Pilate and Herod were made friends together: for before they were at enmity between themselves.

13 And Pilate when he had called together the chief priests and the rulers and the people.

14 Said unto them, Ye have brought this man unto me, as one that perverteth the people: and, behold, I, having examined him before you, have found no fault in this man touching those things whereof you accused him:

15 No, nor yet Herod: for I sent you to him; and lo, nothing worthy of death is done unto him.

16 I will therefore chastise him, and release him.

17 (For of necessity he must release one unto them at the feast.)

18 And they cried out all at once, saying, Away with this man, and release unto us Barabbas:

19 (Who for a certain sedition made in the city, and for murder, was cast into prison.)

20 Pilate therefore, willing to release Jesus, spake again to them.

21 But they cried, saying crucify him, crucify him.

22 And he said unto them the third time, Why, what evil has he done? I have found no cause of death in him: I will therefore chastise him, and let him go.

23 And they were instant with loud voices, requiring that he might be crucified. And the voices of them and of the chief priests prevailed.

24 And Pilate gave sentence that it should be as they required.

25 And he released unto them him that for sedition and murder was cast into prison, whom they had desired; but he delivered Jesus to their will.

## **REVIEW OF TRIAL OF JESUS THE CHRIST**

Jesus was brought before Pilate on complaints of perversion and acts capable of disturbing public peace. What a court or any judicial panel must bear in mind or first consider before embarking on the business of adjudication is, whether it has jurisdiction to hear a case.

### **HAD THE COURT OF PILATE THE COMPETENCE OR JURISDICTION TO TRY JESUS?**

The appropriate starting point in addressing this issue is to examine the conditions precedent to competence of court:

A court is competent when:

- a) It is properly constituted as regards number and qualifications of the members of the bench and no member is disqualified for one reason or another;
- b) The subject matter of the case is within its jurisdiction and there is no feature in the case which prevents the court from exercising its jurisdiction; and

- c) The case comes before the court initiated by due process of law and upon fulfillment of any condition precedent to the exercise of jurisdiction. See *Enterprise Bank Ltd v Aroso*<sup>8</sup> See also *Madukolu v. Nkemdilim*.<sup>9</sup>

Jurisdiction is very fundamental. It is the live wire of a case which should be determined at the earliest opportunity. If a court has no jurisdiction to determine a case, the proceedings remain a nullity ab initio no matter how well conducted and decided. This is so since a defect in competence is not only intrinsic but extrinsic to the entire process of adjudication<sup>10</sup> see *Oloba v. Akereja*.<sup>11</sup>

In the case of our Lord Jesus Christ we recall that in Luke it is stated thus:-

“And as soon as he knew that he belonged unto Herod’s jurisdiction, he sent him to Herod, who himself was also at Jerusalem at that time.”<sup>12</sup>

This shows clearly that Pilate knew he had no jurisdiction to try Jesus in the first place but assumed jurisdiction in the matter out of pressure from the chief priest and the people. Jurisdiction is



a threshold matter and it is the basis for any trial. Where a court has no jurisdiction to hear a case and it proceeds to hear the case, whatever decision arrived at will be a nullity. Therefore, based on the foregoing, the death sentence which was the end product of the unlawful trial of Jesus the Christ by Pilate is a nullity.

Also, having continued with the trial bowing to pressure from the chief priest and the people in which he eventually sentenced Jesus to death even when Herod who had Jurisdiction in the matter refused to conduct proper trial of Jesus, portrays Pilate as a corruptible judge who could be influenced to pervert the course of justice and therefore not qualified to preside over any judicial trial.

A judge is an impartial arbiter in legal proceedings. He is not an advocate. Pilate played the role of an advocate in the trial. The duty is on the advocate to establish his case. A judge is not allowed to descend into the arena of conflict or be emotionally involved in a case.<sup>13</sup>

## (1) **ARRAIGNMENT OF JESUS**

The arraignment of Jesus before Pontius Pilate cannot be said to have all the essential requirements that must be satisfied for there to be valid arraignment of an accused person as recognized by the court.<sup>14</sup> The essential requirements of a valid arraignment are:

- (a) The accused must be placed before a court unfettered unless the court thinks otherwise.
- (b) The charge or information must be read over and explained to the accused to the satisfaction of the court in the language the accused person understands.
- (c) The accused person must be called upon to plead to the charge or information;
- (d) The accused person must have legal representation of his choice.
- (e) The accused person should be given all opportunity to defend himself by providing him with the information or charge before arraignment and many more.

In the case of the trial of our Lord Jesus Christ there was no

compliance with the above requirements in that:-

- (1) The whole multitude that was described as fierce and Chief Priest led Jesus before Pontius Pilate, therefore Jesus was fettered.<sup>15</sup>
- (2) There was no sufficient explanation of the offences to Jesus and what happens if He is found guilty.
- (3) No proper plea was taken as Pilate only asked if Jesus was King of the Jews.
- (4) Jesus had no legal representation even when the offence was punishable with a death sentenced. The same judge that convicted Him purported to act as His Advocate.
- (5) There is no evidence that Jesus had knowledge of the offences against him before meeting Pilate.

## **CONSTITUENTS OF A GOOD JUDGMENT**

### **(3) FAIR HEARING**

The requirements for arraignment are to ensure that an accused person gets fair trial In the administration of justice the bedrock is

the concept of fair hearing. Our Heavenly Father, God Almighty set the pace and example for a good judgement based on fair hearing.

This is of universal acceptance, as it has ancient origin as put by **Fortescue J** in his romantic re-enactment and melodramatic scene at the Garden of Eden in R. vs. CHANCELLOR MASER AND SCHOLARS OF THE UNIVERSITY CAMBRIDGE 1723 1 STR 557 wherein **Dr. Bently** obtained an order of mandamus to secure his reinstatement to degrees in 1723 of which he had been deprived by University of Cambridge without notice or hearing. In his judgment **Fortescue, J** referred to the first recorded administration of justice. There was an injunction to the licencees of Garden, that neither Adam nor Eve, the sole human occupants should touch a particular fruit or apple:<sup>16</sup>

However when this injunction was flouted, the scripture details how the case was handled in Gen 3: 6 – 24 as follows:-

“(6) And when the woman saw that the tree was good  
for food and a tree to be desired to make one

wise, she took of the fruit thereof and did eat  
and gave also unto her husband with her and he  
did eat.

- (7) And the eyes of them both were opened and they knew  
that they were naked and they sewed leaves together  
and made themselves aprons.
- (8) And they heard the voice of the Lord God walking in  
the garden in the cool of the day and Adam and his  
wife hid themselves from the presence of the Lord  
God amongst the trees of the garden.
- (9) And the Lord God called unto Adam and said unto  
him where art thou?
- (10) And he said I heard thy voice in the garden and I was  
afraid, because I was naked and I hid myself.
- (11) And he said, 'Who told thee that thou was naked?  
Hast thou eaten of the tree whereof I commanded  
thee thou shouldest not eat?'
- (12) And the man said 'the woman whom thou gavest

to be with me, she gave me of the tree and I did eat.

(13) And the Lord God said unto the woman ‘what is this that thou has done?’ And the woman said, ‘The serpent beguiled me and I did eat.’

(23) Therefore the Lord God sent him forth from the garden of Eden, to till the ground from whence he was taken.

(24) So he drove out the man and he placed at the east of the Garden of Eden Cherubims and a flaming sword which turned every way to keep the way of tree of life.”

The above is like the modern day trials in our courts-

- (1) The injunction not to eat
- (2) An accusation ‘Hast thou eaten of the tree whereof I commanded thee that thou shouldest not eat?’
- (3) A call for defence in the true spirit of “Audi

Alteram Partem” (hear the other side or party) which is the real foundation of justice.

- (4) A plea of ‘guilty’ by Adam and Eve by shifting blame to the serpent.
- (5) A conviction; and
- (6) A sentence of banishment from the garden of Eden.

This is the story of the Garden of Eden.

In the new Testament: on fair hearing, the officers of the Chief Priests and Pharisees looked for an opportunity to arrest Jesus as recorded in St. John Chapter 7 thus:

“49 But these people who knowest not the law are cursed.

50. Nicodemus saith unto them (he that came to Jesus by night, being one of them)

51. Doth our law judge any man before it hear him and know what he doeth?

52. They answered and said unto him ‘ Art thou also

of Galilee? Search, and look for out of Galilee  
arise no prophet”.

The concept of fair hearing is the foundation and bedrock of the administration of justice as narrated above and had further confirmation by the Roman in the rule of natural justice in the twin pillars of the maxims:-

- (a) AUDI ALTERAM PARTEM that is, hear the other side; and
- (b) NEMO JUDEX IN CAUSA SUA or NEMO DEBET ESSE JUDEX IN PROPRIA CAUSA (no man ought to be a judge in his own cause).

The two have now been entrenched and enshrined in the Fundamental Rights Provisions of the Constitution thus:-

“36 (1) In the determination of his civil rights and obligations including any question or determination by or against any government or authority a person shall be entitled to a fair



hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.”<sup>17</sup>

The attributes and basic criteria of fair hearing were stated by **Nnaemeka Agu JSC** thus:

“There are certain basic criteria and attributes of fair hearing some of which are relevant in this case. These include:

- (i) That the court shall hear both sides not only in case but also in all material issues in the case before reaching decision which may be prejudicial to any party in the case, see SHELDON vs. BROMFIELD JUSTICES (1964) 2 QB 573 at page 578.
- (ii) that the court or tribunal shall give equal treatment, opportunity and consideration to all concerned; see on this:- ADIGUN vs. ATTORNEY GENERAL OYO STATE & ORS

(1987) 1 NWLR (pt 53) 678.

(iii) that the proceeding shall be held in public and all concerned shall have access to and be informed of such a place of public hearing and

(iii) that having regard to all the circumstances in every material decision in the case, justice must not only be done but must manifestly and undoubtedly be seen to have been done

R vs. SUSSEX JUSTICES EXPARTE

MCCARTHY supra DEDUWA & ORS vs.

OKORODUDU 1976 10 SC 320.

Thus fair hearing in the context of Section 36(1) of the Constitution of 1979 encompasses the plenitude of natural justice in the narrow technical sense of the twin pillars of justice audi alteram partem and the broad sense of what is not only right and fair to all concerned but also seems to be so.”<sup>18</sup>

The requirements cannot be waived or ignored. See also *Olabode v. State* (2009) 11 NWLR (pt. 1152) 254; *Kajubo v. State* (1988) 1

NWLR (pt. 73) 721; Eyorokoromo v. State (1979) 6-9 SC 3; Toby v. State (2001) 10 NWLR (pt. 720) 23. See Iwunze v. F.R.N. (2013) 1 NWLR (pt. 1037) 535; Dibia v. State (2007) 9 NWLR (pt. 1038) 30.

A procedure adopted in a trial may deprive it of the character of legitimate adjudication.<sup>19</sup> It is not procedurally correct to conduct a trial of an accused person who is alleged to have committed an offence that carries death penalty without a defence lawyer who may have addressed the court on allocutus if need be. Normally in delivering judgement in a criminal trial, on the date fixed for judgement, the person charged with offence is to enter the dock unfettered. He may only be handcuffed or be fettered if he has shown any form of violence earlier. Then the presiding judge delivers his judgement and when he gets to the point where he says: “I find the accused guilty.” He will have to stop reading the judgement and call on counsel to address him on allocutus. It is after the submission on allocutus is recorded that the trial judge proceeds further to the point of saying what the sentence is.<sup>20</sup> This

was not the case in the trial of Jesus Christ. There was no lawyer to plead his case. There was no allocutus.

**WHETHER PILATE WAS NOT FUNCTUS OFFICIO AFTER HE RETURNED THE FIRST VERDICT “I FOUND NO FAULT IN HIM”?**

The court of Pilate became functus officio when he delivered the verdict “I found no fault in the man.”<sup>21</sup> ‘Functus officio’ means a task performed; having fulfilled the function, discharged the office, or accomplished the purpose, and therefore of no further force or authority.<sup>22</sup>

Ordinarily, once a court has delivered judgement in a case before it, it becomes functus officio. It lacks jurisdiction to review or vary the judgement except to correct accidental slips or clerical mistakes or some error arising from accidental slip or omission in order to give effect to its meaning or intention. A judgement that correctly represents what the court decided shall not be varied and a different decision substituted. See *Oladosu v. Olaojoyetan* (2012) 9 NWLR (pt. 1335) p. 285 (CA) See also *Alao v. A.C.B.*

Ltd. (2000) 9 NWLR (pt. 672) 264; Adefulu v. Okulaja (1998) 5 NWLR (pt. 550) 435; Bank of the North Ltd vs. Intra Bank S.A. (1969) 1 SCNLR 98.

To confirm the fact that the judgement of the court given in Luke 23:4 correctly represented what the court decided as to bring it within the ambit of the principle of *functus officio*, Pilate said again afterwards in verse 14 of same chapter.

“... Ye have brought this man unto me, as one that perverteth the people: and, behold, I, having examined him before you, have found no fault in this man touching those things whereof you accused him.”

Moreover, Herod sending Jesus back to Pilate shows that Jesus was innocent. Herod found no iota of evidence showing that Jesus was up to any mischief. He said, he only heard of the good works Jesus had been doing and had been hoping to meet Him. In Luke 23:8, the Bible records that:

And when Herod saw Jesus, he was exceeding glad:  
for he was desirous to see him for a long season,

because he had heard many things of him; and he  
hoped to have seen some miracle done by him.

In conclusion would a reasonable man present at the trial of Jesus  
conclude that justice was done?

Pontius Pilate in the trial of Jesus portrayed what Chukwuma Eneh  
JCA in the case of *Ushae v. C.O.P* (2006) All FWLR (pt. 313) 113  
stated that “Courts are not known to indulge in legal double talk.”  
Pontius Pilate did so, by first saying ‘I find no fault in this man’  
which was conclusive and later went on to conduct a sham trial.

No reasonable man present at the trial venue of Jesus would have  
the impression from what happened that justice was done. It has  
been described as the most infamous trial ever held in the history  
of mankind.<sup>23</sup> Hence Nsofor JCA in a case said:-

“These Judges who sit in our courts are men of flesh and blood”.<sup>24</sup>

Pilate was clearly under pressure to sentence Jesus and release a  
man accused of murder free without punishment. Pilate turned a  
simple case into a difficult case and complicated it which Judges  
do at times. However, Judges are expected to break every barrier

in the way of justice by the help of God for in Deut. 1:17, God directed as follows:-

“Ye shall not respect person in judgement; but ye shall hear the small as well as the great: ye shall not be afraid of the face of a man; for the judgement is God’s: and the cause that is too hard for you, bring it unto me, and I will hear it.”

The decision in the case of Jesus was obviously that of sentiment and given out of overzealousness to please the people. Whereas a Judge exists to determine disputes and to examine with due care and microscopic sense all the matters before him in his pursuit of Justice.

Pilate evidently ignored God’s commandment to Judges because he was afraid of mere mortals and then delivered to be crucified an innocent man. His wife had warned him to have nothing to do with Jesus.<sup>25</sup> But he was afraid of man and did not want direct conflict with the Jewish leaders.<sup>26</sup> He had hoped that Herod would release Jesus however, he made a major error in his bid to

suppress insurrection. He actually allowed the people to decide for him in a case in which he was the Judge and then something died in him. Thus confirming the truism in the words of Martin Luther King Jr. in a 1968 sermon, that:-

“You may be 38 years old as I happen to be. And one day some great opportunity stands before you and call you to stand up for some great principles, some great issues, some great cause and you refuse to do it because you are afraid... you refuse to do it because you want to live longer... you ‘re afraid that you will lose your job, or you are afraid that you will be criticized or that you will lose your popularity, or you are afraid that somebody will stab you, or shoot at you, or bomb your house; so you refuse to take the stand. Well you may go on and live until you are 90, but you are just as dead at 38 as you would be at 90. And the cessation of breathing in your life is but the belated announcement of an earlier death in the spirit.”



In my respectful view and in final analysis, the case of our Lord Jesus Christ was heard in a court aptly described by the Hon. Justice Aniagolu JSC thus:-

“The moment a court ceases to do justice in accordance with the law and procedure laid down for it, it ceases to be a regular court to become a kangaroo court”.!!!<sup>27</sup>

(Exclamation marks mine).

For in my humble view the record of the trial in the case of Jesus Christ demonstrates apparent perversity and crass injustice from a case actuated by malice and bad blood.

It was a desperate situation which was a travesty of justice which needed to be overturned and of course this was done, after Jesus Christ cried to His Father from the cross at Calvary.

His appeal was found immensely meritorious, for though crucified on the Cross, JESUS CHRIST was made victorious. That judgement was set aside. JESUS CHRIST ROSE from the dead, He RESURRECTED. HE LIVES TODAY, HE IS OUR SAVIOUR AND OUR REDEEMER.

**BIBLIOGRAPHY**

1. Peter Obadan, published by Glopet Ltd 2006 P. 127
2. op. cit p. 159
3. Lord Denning, MR “Family Story” p. 181
4. (2006) 4 WRN 134
5. (2001) 9 NWLR pt. 718) p. 446
6. (2015) 3 NWLR pt. 1446) p. 317
7. (2012) 17 NWLR pt. 1329) p.346
8. (2014) 3 NWLR pt. 1394) p. 257
9. (1962) 2 SCNL p. 341
10. (2012) 10 NWLR p. 170
11. (1988) 3 NWLR pt. 84) 508
12. Luke 23:7
13. Egbuchu v Continental Merchant Bank (2006) 8 NWLR  
pt. 1513) p 192 see also Kuti v Balogun (1978) 1SC 53.
14. Olowoyo v State (2012) 17 NWLR pt. 1329) p.346
15. Luke 22:54, 63 – 64 John 18:24
16. Genesis 3: 1 – 24

17. Section 36: (1) of the 1999 Constitution of the Federal Republic of Nigeria.
  18. Kotoye vs Central Bank of Nigeria (1989) 1 NWLR (pt.98) 419
  19. Ibrahim v Gwandu (2015) 5 NWLR (pt. 1451) 1
  20. Audu v State (2016) 1 NWLR (pt. 1494) 557 at 565.
  21. Luke 23: 4
  22. Nwoko v Azekwo (2012) 12 NWLR (pt. 1313) 151.
  23. Watch Tower, April 1, 2011 pages 21-22.
  24. Adewunmi v A.G. Ondo State (1996) 8 NWLR (pt. 464) 113.
  25. Mathew 27:19
  26. Mathew 27: 20 - 22 and Luke 23: 7 – 11
  27. Edun v Okokomaiko Community (1980) 8 – 11 SC 127.
- \*Hon. Justice Esohe Frances Ikponmwen is a graduate of the University of Nigeria Nsukka, Enugu Campus. She was called to Nigerian Bar in 1979. She rose from being a State Counsel in the Ministry of Justice Bendel State to Principal State Counsel

in 1992 before her appointment a Chief Magistrate Grade 1 in 1992. In 1999 she was elevated to the High Court bench of Edo State judiciary until the current appointment as Chief Judge in January 2017. She became a Fellow, ICMC (Institute of Chartered Mediators and Conciliators of Nigeria) October 2017 and Fellow of the Commonwealth Judicial Education Institute Canada June 2018.

**HON. JUSTICE E.F. IKPONMWEN, FCJEI; FICMC  
CHIEF JUDGE  
EDO STATE**