

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA

BEFORE HIS LORDSHIP : HON. JUSTICE Y. HALILU
COURT CLERKS : JANET O. ODAH & ORS
COURT NUMBER : HIGH COURT NO. 24
CASE NUMBER : SUIT NO: CR/23/15
DATE: : MONDAY 9TH MARCH., 2020

BETWEEN

COMMISSIONER OF POLICE-
COMPLAINANT/RESPONDENT

AND

1. JOHN NDIBE
2. WILLIAMS DABO } **DEFENDANTS/APPLICANT**

RULING

The case at hand has a chequed history. The prosecution in this matter has refused and ignored completely to attend this court after arraigning the Defendants. The 1st Defendant was alleged to have died after Bail was granted him.

I have not been fed with proper information by the Prosecution nor have the Prosecution taken time to do the needful by amending this charge for the trial of the lone Defendant to proceed. This is a 2016 matter with no effort made by the Prosecution to open its case.

Today being the 9th March, 2020, counsel, Abengwe has filed counter affidavit to say they've been given the go ahead to do this matter as external solicitors. There haven't been evidence of such brief by the

police authority. Further, the counter affidavit clearly has it that they are yet to be given the case file. How long shall we wait for that to be done, is the question.

We all are aware that the guilt of the Defendant is the only reason this court can keep him. Now that he is presumed innocent and the fact that Prosecution isn't doing it's best, I am most constrained to say the following:-

- i. The court is not a warehouse where people are kept in prison on the strength of her orders.
- ii. It is certainly unacceptable in law and morality for any person to be kept in confinement in perpetuity.

The conduct of the Prosecution is clearly that of indelgence and lack of respect for human right and

the institution of the judiciary..for the reasons afore-
stated, I am not under any obligation to keep the
Defendant for the rest of his life. God forbid.

Application for the charge to be struck-out is
granted.

Accordingly charge **No. CR/23/15** is hereby struck –
out.

Defendant is consequently discharged.

Justice Y. Halilu
Hon. Judge
9th March, 2020

APPEARANCES

Defendant in court.

C.J. ABENGWE – for the Prosecution.

N.A. MOMOH with EVELYN E. – for the 2nd
Defendant.