

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT 8, NYANYA-ABUJA ON THE 10TH DAY OF
JUNE, 2020
BEFORE HIS LORDSHIP: HON. JUSTICE U.P. KEKEMEKE
SUIT NO.FCT/HC/CV/1644/18

COURT CLERKS: JOSEPH ISHAKU BALAMI & ORS.

BETWEEN:

LINACRES NIGERIA LIMITED.....PLAINTIFF

AND

ACCESS BANK NIGERIA PLC.....DEFENDANT

RULING

The documents sought to be tendered are three letters dated 12/02/18, 22/03/18 by the Economic & Financial Crimes Commission to the Managing Director of the Defendant and another letter dated 10/08/17 from the Nigeria Police to the Branch Manager of the Defendant.

The above documents are photocopies.

The Defendant's Counsel contends that the above documents are public documents in the custody of a private organisation hence they are admissible.

The Claimant's Counsel on the other hand argues that they are public documents representing the official acts of the agency of government as contemplated under Section 102 of the Evidence Act.

That only a CTC is admissible.

There is no doubt as agreed by both Counsel that the documents are public documents.

Section 102 of the Evidence Act states that public documents include.

- a. Documents forming the official acts or records of the official acts:-
 - i. Of a Sovereign authority.
 - ii. Of Official bodies and Tribunals.
 - iii. Of public Officers legislative, judicial and Executive whether of Nigeria or elsewhere.

b. Public records kept in Nigeria of private documents.

The statutory definition is that as long as the document was made in execution of an official act or comprises of a record of such official act of a public body such a document shall rightly be classified as a public document.

However, in *SHYLLON VS. UNIVERSITY OF IBADAN*

(2007) 1 NWLR (PT.1014) 1 at Pages 15- 16, the Court of Appeal treated the issue at hand i.e, official documents addressed to private individuals. The Court held that they are not public documents.

I am bound by that decision despite my disagreement.

In the circumstance, the documents are admitted and marked as follows:

1. EFCC letter dated 12/02/18

2. EFCC letter dated 22/03/18.
3. NPF letter dated 10/08/17 are admitted and marked Exhibits B, B1 and B2.

.....
HON. JUSTICE U.P. KEKEMEKE
(HON. JUDGE)
10/06/20