

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. 22
CASE NUMBER : CHARGE NO: CR/43/18
DATE: : WEDNESDAY 16TH SEPTEMBER, 2020

BETWEEN:

COMMISSIONER OF POLICE..... COMPLAINANT

AND

- 1. KELVIN MICHAEL**
- 2. IZUNNA STEPHEN**
- 3. COLLINS EKEA**



DEFENDANTS

RULING

The judiciary and the police are both institutions of law, are to detect crime, investigate and prosecute while the other i.e judiciary is to interpret the law. This law may be locomotive in nature but certainly once put in motion shall get to its destination. Filing charge and leaving same unattended to is the height of official rascality. It is not the way that policeman are paid with tax payers money but yet refuse to do the needful.

The constitution of FRN 1999 as amended is the ground norm. The provision of the constitution especially as it relates to chapter IV is sacrosanct, the chapter deals with human rights.

The only time such a right remain in abeyance is where there is conviction i.e presumption of innocence. But where trial has not commenced, such a suspect is presumed innocent under the law regardless of the proof of evidence. It is on record that Defendants have been in

detention for more than two years without trial and no reason given at all.

On the strength of the constitutional provisions i.e Section 36 of Constitution FRN and Section 351 of ACJA, I shall offload the charge sheet against the Defendants.

The said charge dated 11th June, 2018 which has been left unattended to, is hereby struck-out and Defendants consequently discharged.

Justice Y. Halilu
Hon. Judge
16th September, 2020

APPEARANCE

Mimido A. with Patience I. – for the Defendants

Prosecution – absent.