

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN AT ABUJA

THIS TUESDAY, THE 14TH DAY OF JULY, 2020

BEFORE: HON. JUSTICE ABUBAKAR IDRIS KUTIGI – JUDGE

SUIT NO: CV/1970/17

BETWEEN:

STABLELAND ESTATE NIGERIA LIMITEDPLAINTIFF

AND

IGGO-JORJE INTERNATIONAL LIMITEDDEFENDANT

RULING

I have carefully considered the submissions on both sides of the aisle. The narrow issue is simply whether the copy of Direct Criminal Complaint prepared by the law firm of Ikechukwu Ikogwu & Co is an original copy. Let me quickly state that if it is an original copy and a public document within the purview of **Section 102 of the Evidence Act**, our jurisprudence allows for the admissibility of such original copy. It is only where a secondary document of a public document is been tendered in evidence that the necessity for certification within the purview of **Section 90 (1) (c) of the Evidence Act** arises.

Now in this case, I have carefully scrutinized the copy of the direct criminal complaint. There is no Case number on it suggesting it was filed in court. The lawyers seal on the document clearly is not in the original and indicates that the document was photocopied. Yes there may be a written indication that fees were paid on a particular date but there is no court stamp or seal to give validity to the contention that this is an original document.

I incline to the view that this document is not an original copy of a public document. If it is not an original document and it is accepted that it is a public document, then it must be certified for the secondary evidence to be admissible.

If the argument is even made that it is not a public document, but a copy of a private document since there is no indication of it been filed and assigned a case number, then foundation must be laid to allow for the reception of a secondary copy which is what this document sought to be tendered is. No such foundation was laid. The witness in evidence said the original is with his lawyer.

On the whole, in such fluid and unclear circumstances, with respect to the document been an original document and having not complied with the protocol for reception of secondary evidence of either a public document or a private document, the document unfortunately must be held to be inadmissible and will be marked, tendered and rejected.

Signed

Hon. Judge

14th July, 2020