

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**HOLDEN AT GWAGWALADA**

**THIS TUESDAY, THE 30<sup>TH</sup> DAY OF MARCH, 2021**

**BEFORE: HON. JUSTICE ABUBAKAR IDRIS KUTIGI – JUDGE**

**PET NO: CV/8/19**

**BETWEEN:**

**ASSUMPTA KUZANKA ANKUT .....PETITIONER**

**AND**

**ZAMANI GIDEON WOJE .....RESPONDENT**

**BENCH RULING**

I have carefully considered the arguments on both sides of the aisle with respect to the admissibility of the two (2) statements of Account and the certificate of compliance.

The narrow point of objection is that the person who produced the certificate is not in court.

Now when the question of admissibility is raised, three issues are usually addressed:

1. Is the document pleaded
2. Is it relevant and
3. Is it tendered in the manner allowed by law?

It is the pleadings which streamlines the issues in dispute that provides basis to resolve the above questions.

In this case, there is no doubt that the facts to allow for the reception of these documents can be situated within the pleadings wherein petitioner averred that she has been responsible for the payment of the school fees of the children. The relevance of the statement of accounts to the issues in dispute is similarly not in doubt to the clear extent that it is tendered to show that she has been paying the said school fees payments for the children.

Now there is no doubt that the statement of account is a computer generated document within the confines of **Section 258 of the Evidence Act**. Being a computer generated document, **Section 84(1), (2) and (4) of the Evidence Act** provides modalities for tendering of such computer documents.

Now in the context of the present objection by counsel to the Respondent, we are dealing with the provision of **Section 84 (4) of the Evidence Act** which provides that a certificate identifying the manner in which the document was produced, the particulars of the device used in the production of the document amongst others must be streamlined.

The two certificates in this case clearly have substantially conformed with the provision of **Section 84(4) of the Evidence Act**. I have however carefully read the entire provision of **Section 84** and in particular (4) and no where can the submission of counsel to defendant be situated that the presence of the maker of the certificate is a sine-qua-non to the admissibility of a computer generated document.

The whole essence of the certificate is to ensure and assure of the integrity of the computer generated document and the source of the production of same. No more. I am not sure that there is room to make any additions or interpolations to the clear provision of **Section 84(4)**. See **Section 128 of the Evidence Act**. The weight however that may enure to the statements is a different matter altogether and a function of other variables that may arise in the course of trial.

On the whole, the objection clearly has no legal basis and won't fly. It is discountenanced. The two (2) statements of account and the certificate of compliance are therefore admissible. On the whole, the documents are admitted as follows:

1. The certificate of marriage between parties dated 27th December, 2008 which is not objected to is admitted as **Exhibit P1**.
2. The statement of account of Zamani Salma Kuyet together with the certificate of compliance is admitted as **Exhibits P2a and b**.
3. The statement of account of Zamani Gwazuwang Samuel together with the certificate of compliance is admitted as **Exhibits P3a and b**.

**SIGNED**  
**HON. JUDGE**