

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

**THIS WEDNESDAY THE 9<sup>TH</sup> DAY OF MARCH, 2022.**

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

**CHARGE NO: CR/151/2020**

**MOTION NO: M/1809/2022**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA                   .....COMPLAINANT/  
RESPONDENT**

**AND**

- |  |                                  |                       |
|--|----------------------------------|-----------------------|
| <b>1. MOHAMMED BELLO ADOKE</b>                                     | <b>..... DEFENDANT</b>           |                       |
| <b>2. ALIYU ABUBAKAR</b>   | <b>..... DEFENDANT/APPLICANT</b> |                       |
| <b>3. RASKY GBINIGIE</b>   |                                  | } <b>..DEFENDANTS</b> |
| <b>4. MALABU OIL AND GAS LIMITED</b>                               |                                  |                       |
| <b>5. NIGERIA AGIP EXPLORATION LIMITED</b>                         |                                  |                       |
| <b>6. SHELL NIGERIA ULTRA DEEP LIMITED</b>                         |                                  |                       |
| <b>7. SHELL NIGERIA EXPLORATION PRODUCTION<br/>COMPANY LIMITED</b> |                                  |                       |

**RULING**

By a motion on notice dated 18<sup>th</sup> February, 2022 and filed same date in the Court's Registry, the 2<sup>nd</sup> Defendant/Applicant prays for the following Reliefs:

- 1. An ORDER of the Honourable Court granting the 2<sup>nd</sup> Defendant/Applicant leave to travel outside Nigeria for medical treatment for a period of three (3) weeks beginning from the date of the order granting the 2<sup>nd</sup> Defendant/Applicant leave to travel.**

2. A Consequential Order that the 2<sup>nd</sup> Defendant's/Applicant's International Passport which is with the Honourable Court be released to the 2<sup>nd</sup> Defendant/Applicant to facilitate the 2<sup>nd</sup> Defendant's/Applicant/s medical trip outside Nigeria and the said International Passport be returned to the Honourable Court upon the 2<sup>nd</sup> Defendant's/Applicant's return to Nigeria.

### **GROUND**

1. The 2<sup>nd</sup> Defendant's/Applicant's constitutionally guaranteed right to life is not impaired in any manner whatsoever in spite of the charges preferred against the 2<sup>nd</sup> Defendant/Applicant who is in any event presumed to be innocent of the said charges.
2. The 2<sup>nd</sup> Defendant/Applicant is entitled to be offered access to good and adequate medical care so as to ensure that the 2<sup>nd</sup> Defendant/Applicant is alive to continue with his trial along with other Defendants in the case.
3. The Honourable Court is vested with the discretionary power to grant the 2<sup>nd</sup> Defendant's/Applicant's Motion in order to preserve his life; and in the interest of Justice.
4. It is in the interest of justice to grant the application.

The application is supported by a 7 paragraphs affidavit with one annexure marked as **Exhibit AA1**. A written address was filed in support of the application.

At the hearing, learned counsel to the Applicant, Chief Akinlolu Olujinmi SAN relied on the contents of the Affidavit and adopted the submissions in the written address in urging the court to grant the Application.

Learned counsel to the Prosecution, Offem Uket, did not opposed the application.

Having carefully gone through the affidavit in support, the annexure and the written address, I am of considered opinion that sufficient facts have been disclosed to allow for the grant of the application. The application is also not on the record opposed by the prosecution.

In the circumstances, I accordingly make the following orders:

- 1. Leave is granted to the 2<sup>nd</sup> defendant/applicant to travel outside Nigeria for Medical treatment for a period of three (3) weeks beginning from 14<sup>th</sup> March, 2022 to 10<sup>th</sup> April, 2022.**
- 2. An Order is hereby made releasing the international passport of 2<sup>nd</sup> Defendant/Applicant to facilitate the medical trip.**
- 3. The 2<sup>nd</sup> Defendant/Applicant's counsel shall undertake to return the international passport of 2<sup>nd</sup> Defendant on his return.**
- 4. The 2<sup>nd</sup> Defendant/Applicant shall return his international passport to the custody of the court within five (5) days of his return.**

.....

**Hon. Justice. A.I. Kutigi**

**Appearances:**

- 1. Offem Uket, Esq., for the Prosecution.**
- 2. Chief Akinlolu Olujinmi SAN, Dr. Y.J. Musa SAN, Olalekan Ojo SAN with Ernest Ikeji and Y. Yusuf for the 2<sup>nd</sup> Defendant/Applicant.**