

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. 14

CASE NUMBER : CHARGE NO: CR/443/2019

DATE: : MONDAY 16TH MAY, 2022

BETWEEN:

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

AND

1. PETER CHIBUZOR OKEREKE } **DEFENDANTS/**
2. CHIDUBEM JOHN OKEREKE } **APPLICANTS**
3. KELECHI OKEREKE }

RULING

This Ruling is at the instance of the Defendants/Applicants who approached this Honourable court vide Motion on Notice dated 3rd February, 2022 and filed on 4th of February, 2022; praying this Court for the following:-

1. An Order of this Honourable Court declining in limine, the territorial jurisdiction to try the Charge dated 16th July, 2019.
2. An Order of the Honourable Court quashing this Charge for being an exercise in forum shopping, an abuse of Court process and for failure of the Prosecution to demonstrate in the proof of evidence the elements necessary to prove the offences in Counts 1 to 8 of the Charge.

3. And for such Orders or other Orders this Honourable Court may deem fit to make in the circumstances.

In support of the application is a 22 paragraph affidavit deposed to by one OloladeAlliu, Legal Practitioner in the law firm of counsel to the Defendants/Applicants.

It is the deposition of the Defendants/Applicants, that the Prosecution in its proof of Evidence alleged the Defendants/Applicants to have forged the following documents to-wit;

- i. Form CAC 7A (Notice of Change of Directors)
- ii. Ordinary Resolution dated 20th July, 2017
- iii. Letter of termination of employment and service of Mr. Oliver Agbasoga dated 5th January, 2018.

That from the Prosecution's proof of evidence, the offences in Counts 1 to 8 where the Defendants/Applicants have been charged were allegedly committed in Port Harcourt, Rivers State.

That the said document in paragraph 6(a) above was not signed in the FCT, Abuja.

That the said documents in paragraph 6(a) above were signed in Port Harcourt, Rivers State and the United States of America respectively.

That for criminal offences, this Honourable Court can only exercise jurisdiction in instances where the offence was allegedly committed within the Federal Capital Territory.

That the Counts in the Charge and the Proof of Evidence rob this Honourable Court of the exercise of its jurisdiction over this Charge.

That all the likely witnesses to be called by the Defendants/Applicants are in Port Harcourt, Rivers State, outside the jurisdiction of this Court.

That the elements needed to prove the offences in Counts 1 to 8 of the said Charge were not demonstrated by the Prosecution in the proof of evidence.

That a refusal of the grant of this application will have the effect of extending the Court's jurisdiction beyond its territorial limit.

That it is in the interest of justice that this Applicant is granted.

In line with law and procedure, written address in support of Motion on notice challenging the Territory jurisdiction of this Court to try the Charge

dated 16th of July, 2019, was filed wherein 3 issues were formulated for determination to-wit

- 1. Whether in consideration of the mandatory provision of Section 10 of the High Court Act, and having regard to the fact that the offences wherewith the Defendants/Applicants have been charged with were allegedly committed in Port Harcourt, Rivers State this Honourable Court will have the Territorial jurisdiction to try the instant Charge.*
- 2. Whether this Honourable Court ought not to decline jurisdiction in trying this Charge which is bad forum shopping and an abuse of Court process.*
- 3. Whether having regard to the failure of the Prosecution to demonstrate in its proof of*

evidence the elements needed to prove the offences in Counts 1 to 8 of this Charge, this Honourable Court has the power to quash the said Charge.

On issue one, whether in consideration of the mandatory provision of Section 10 of the High Court Act, and having regard to the fact that the offences wherewith the Defendants/Applicants have been charged with were allegedly committed in Port Harcourt, Rivers State this Honourable Court will have the Territorial jurisdiction to try the instant Charge.

Learned Counsel submits, that in the case at hand, the entirety of the proof of evidence before this Honourable Court show, beyond peradventure, that the aggregate of facts leading to the alleged

commission of the offences charged in Counts 1, 2, 3,4,5,6,7 and 8 of the Charge dated 16th July, 2019 wholly occurred in Port Harcourt, Rivers State, outside the Territorial jurisdiction of this Honourable Court. No scintilla of evidence in the Count and proof of evidence shows that any of the events/factual situations leading to the alleged commission of the offences charged in the aforementioned counts of the said Charge preferred against the Defendants/Applicants tookplace in FCT, Abuja, as all the events, without exception, are alleged to have occurred in Port Harcourt, Rivers State.

Learned Counsel submits, that it is trite law that criminal territorial jurisdiction of a Court is ousted where the facts leading to the alleged commission of

the offence charged before that Court occurred outside its territory.

TALAL AHMAD RODA VS. F.R.N (2015) 1-2 SC. (Pt. 11) P. 31 or (2015)10 NWLR (Pt. 1468) 427 at Page 466, Paragraphs F – G was cited.

Learned counsel also submits in furtherance of the above, and in urging this Honourable Court to hold that this noble Court has no territorial jurisdiction in FCT, Abuja to try offences allegedly committed in Port Harcourt, Rivers State in respect of Counts 1, 2, 3, 4, 5, 6, 7 and 8 of the Charge dated 16th July, 2019, we refer this Honourable Court to the decision of the Supreme Court. ***NNAKWE VS. STATE (2013) 18 NWLR (Pt. 1385)1*** was cited.

It is the submission of learned counsel, that the Provision of Section 10 of High Court Act readily

comes to mind. A calm perusal of the said provision expressly delimits the jurisdiction of the High Court of the Federal Capital Territory with respect of criminal cases or trial.

On issue two, *whether this Honourable Court ought not to decline jurisdiction in trying this Charge which is bad forum shopping and an abuse of Court process.*

Learned counsel submits, that by charging the Defendants/Applicants in this Honourable Court, the Complainant/Respondent has embarked on an exercise in forum shopping with the attempt to receive the most favourable Judgment or verdict from this Honourable Court. Suffice to say that, the only logical explanation that can ground the commencement of proceedings in FCT, Abuja is

forum shopping. *IBORI VS. FRN (2009)3 NWLR (Pt. 1128) 283, 320 – 321* was cited.

Learned counsel also submits, that the actions of the Complainant/Respondent are grossly abusive of the process of Court, as they amount to a mis-use of the power of criminal prosecution, oppression of the Defendants/Applicants and disrespect to the Honourable Court. Put differently, the Charge as presently instituted and constituted is abusive and the Court lacks the requisite jurisdiction to entertain same. *EZEZE VS. STATE (2004) 14 NWLR (Pt. 984) 491, 504* was cited.

On issue three, *whether having regard to the failure of the Prosecution to demonstrate in its proof of evidence the elements needed to prove the offences*

in Counts 1 to 8 of this Charge, this Honourable Court has the power to quash the said Charge.

It is the submission of learned counsel, that there is nowhere in the instant Charge or in the proof of evidence where the Defendants/Applicants fraudulently used as genuine the ordinary resolution dated 20th July, 2017 and letter of termination of employment and service of Mr. Oliver Agbasoga dated 5th January, 2018. ***OYEBODE ALADE ATOYEBI VS. FEDERAL REPUBLIC OF NIGERIA (2017) LPELR – 43831 (SC) at Pages 20 – 21 Paragraph 20*** was cited.

Learned counsel further submits, that in Order to substantiate the allegations in counts 1, 2, 3, 4, 5, 6, 7 and 8 of the Instant Charge, the Complainant/Respondent must show that the

Defendants/Applicants conspired to commit forgery and committed forgery. In this regard, all the documents in the proof of evidence and the additional proof of evidence should point to that fact. The proof of evidence and the additional proof of evidence have been x-rayed from which this Court will observe that none of the said documents alluded to any conspiracy to forgery wherein the Defendants/Applicants allegedly conspired to forge and forged their late father's signature and fraudulently used as genuine the ordinary resolution dated 20th July, 2017, and a letter of termination of employment and service of Mr. Oliver Agbasoga dated 5th January, 2018, as alleged in the said counts. Learned counsel concludes by urging this Court to grant same and in limine, decline jurisdiction to try the Charge dated 16th July, 2021.

On their part, Complainant/Respondent filed an 11 paragraph counter affidavit in opposition to the Defendants/Applicants' Motion on Notice dated 3rd of February, 2022, deposed to by One LovemeOdubo, Litigation Officer in the Office of the Director of Public Prosecutions of the Federation (DPPF).

It is the deposition of the Complainant/Respondent that, paragraphs 6(b)(c)(d), 13, 15, 16, 18, 19, 20 of the Defendants' affidavit are not true and the Prosecution vehemently denies them.

That the said documents which were alleged to have been fraudulently used as genuine were signed and filed at the Headquarters of the Corporate Affairs Commission (CAC), Federal Capital Territory, Abuja.

That the Form CAC 7A which was alleged to have been fraudulently used as genuine was signed and filed by One Ikenna Fred Eze, a legal practitioner with address Plot 2420, Yakubu Gowon Crescent, Asokoro, Abuja at the Headquarters of the Corporate Affairs Commission (CAC), Abuja on behalf of the Defendants.

That elements of the offences in the charge were committed within the territorial jurisdiction of this Honourable Court.

Accordingly, written address in support of counter affidavit in opposition to the Defendants/Applicants' Motion on Notice was filed wherein, two issues were formulated for determination to-wit;

1. Whether this Honourable Court has the territorial jurisdiction to entertain this matter.

2. Whether the Court can quash the Charge against the Defendants at this stage given the volume of evidence attached in the Prosecution's proof of evidence.

On issue one, ***whether this Honourable Court has the territorial jurisdiction to entertain this matter.***

Counsel submits that, the issue of jurisdiction is fundamental in any adjudication as it has been described as the life wire to any determination. It deals with the competency of a Court to entertain a matter. In criminal cases, where elements of an offence were committed within the territory of a Court, such Court has the jurisdiction to entertain the matter. ***NJOVENS VS. STATE (1973) LPELR – 2042 (SC) ALL NLR 371*** was cited.

Learned counsel also submits that, the subject matter of this case, which is, criminal conspiracy, forgery and fraudulently using as genuine a forged document, is well within the jurisdiction of this Honourable Court.

It is also the submission of learned counsel, that the Defendants erroneously made reference to the case of *IBORI VS. FRN (2009)3 NWLR (Pt. 1128) 283, 320-321* to back-up their arguments of forum shopping and jurisdiction in this charge. In the case of *IBORI VS. FRN*, the ruling of the Appellate Court was that the filing of the charge in the Kaduna Division of the Federal High Court where none of the elements of the offence was committed amounts to forum shopping as Section 45 of the Federal High Court specially provides that offences are to be tried

by a Court exercising jurisdiction in the area of place where the offences were committed.

On issue two, *whether the Court can quash the Charge against the Defendants at this stage given the volume of evidence attached in the Prosecution's proof of evidence.*

Learned counsel submits, that there are certain factors which an Applicant must allege in an application placed before a Court in criminal trial, indicating some deficiencies in the Charge(s) against him, which may necessitate the Court quashing such Charge(s).

Learned counsel further submits, that a careful look at the proof of evidence shows that the Prosecution has placed before this Honourable Court sufficient materials to prove the plausibility of the Defendants

committing the alleged offences. *ADUKU VS. FRN & ORS (2009) LPELR – 8742 (CA)* was cited.

Learned counsel submits, that proof of evidence contains a list of exhibits which includes the forged documents fraudulently used as genuine, to show how the alleged offences were committed by the Defendants. *ADAMS VS. STATE (2021) LPELR 55641 (CA)* was cited.

Counsel concludes by urging this Honourable Court to refuse the application of the Defendants/Applicants and dismiss same for lacking in merits.

On their part, the Defendants/Applicants filed an 8 paragraph further and better affidavit in opposition to the Complainant/Respondent's counter affidavit filed on 24th of February, 2022, deposed to by one

Augustine Akange, a litigation assistant in the law firm of counsel to the Defendants/Applicants herein.

It is the deposition of the Defendants/Applicants that contrary to the depositions in paragraph 5 of the Complainant/Respondent's counter affidavit, all the offences in Counts 1 to 8 wherewith the Defendants/Applicants have been charged were allegedly committed in Port Harcourt, Rivers State.

That contrary to the depositions in paragraph 6 of the Complainant/Respondent's counter affidavit, the documents which the Defendants/Applicants are alleged to have fraudulently used as genuine were signed in Port Harcourt, Rivers State and the United States of America respectively.

That the said document (CAC Form 7A) which the Defendants/Applicants are alleged to have

fraudulently used as genuine was filed at the Headquarters of the Corporate Affairs Commission (CAC) by a Legal Practitioner and not by the Defendants/Applicants.

That the legal practitioner, Ikenna Fred Eze whom the Complainant/Respondent alleged to have filed the said document in paragraph 5(e) above on behalf of the Defendants/Applicants is not on trial before this Honourable Court.

That in relation to the depositions in paragraphs 5, 6 and 7 of the Complainant/Respondent's counter affidavit in opposition to the Defendants/Applicants' Motion on Notice, on the same 7th of March, 2022, about 5:00pm thereof, the Defendants/Applicants, stated that they are resident and carry on business in

Port Harcourt, Rivers State, outside the territorial province of this noble Court.

That they never visited nor filed any document at the Headquarters of the Corporate Affairs Commission (CAC), Abuja.

That the interest of justice will be served if the Complainant/Respondent's counter affidavit is disregarded and the Defendants/Applicants' Motion is granted.

The Defendants/Applicants then filed reply on points of law to the Complainant/Respondent's written address.

Learned counsel submits, that in the present case, the Complainant/Respondent's written address purportedly signed by a legal practitioner does not have affixed on it a valid NBA seal which makes the

process incompetent and robs this Honourable Court of the requisite jurisdiction to entertain same. Counsel submits that the purported NBA seal attached to the said written address has expired and as such is invalid.

Learned counsel also submits, that the effect of the failure of a legal practitioner to comply fully with the requirement of this Rule is fatal to the application, counsel submits that the word “shall” is used in the Rule under reference. ***TABIK INVESTMENT LTD. VS. GTB PLC. (2011) ALL FWLR (Pt. 602) Page 1592 at 1603*** was cited.

Learned counsel humbly urge this Honourable Court to hold that the Complainant/Respondent has not filed any Written Address in opposition to the Defendants/Applicants’ Motion on Notice. Counsel

urge this Honourable Court to so hold and grant the Defendants/Applicants' Motion on notice as prayed.

It is the submission of learned counsel, that paragraph 5, 6 and 7 of the depositions of LovemeOdugbo in support of the Counter affidavit sworn to on 24th February, 2022 show, beyond conjecture, that the said Form CAC 7A (Complainant/Respondent's Exhibit "A") was filed by a legal practitioner and not by the Defendants/Applicants.

Counsel submits further, that the Respondent cited Sections 255(1), 257(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and Section 96(b) of the ACJA, 2015 in paragraphs 3.6 and 3.7 of its Written Address respectively. Counsel submits that these provisions are only applicable if

there is any offence committed in the Federal Capital Territory, Abuja. This is not the case here, as admitted by the Complainant/Respondent, the alleged offences if any were committed in Port Harcourt, Rivers State.

Counsel contends, that the Prosecution's proof of evidence has not disclosed any prima facie case against the Defendants/Applicants to enable this Honourable Court proceed with the trial of the Defendants/Applicants.

Learned counsel concludes, that this application is brought in good faith and in the overall interest of justice. There is merit in this application and this Court is most humbly prayed to grant same.

COURT:-

I have read through the affidavit in support of the Preliminary Objection, Counter Affidavit and Further Affidavit of both parties on the one hand, and the legal arguments on the other hand.

The argument of Raji, SAN, is on Territorial Jurisdiction.

I shall briefly state the law on the significance of jurisdiction generally.

Jurisdiction is fundamental and crucial for if there is want of jurisdiction, the proceedings thereafter will be affected by a fundamental vice and would become a nullity however well conducted they might otherwise be.

See ***ONYEMA VS. OPUTA (1987)3 NWLR (Pt. 60) 259 at 293.***

Jurisdiction on the other hand has been defined in Vol. 10 Halsbury Laws of England 4th Edition, Paragraph 715, Page 323 to mean, the authority which a Court has to decide matters that are litigated before it, or to take cognizance of matters presented in a formal way for its decision. The limits of this authority are imposed by statutes, character or commission under which the Court is constituted and may be extended or restricted by similar means. If no restriction is imposed, the jurisdiction then becomes unlimited. See Section 251 of the 1999 Constitution of Federal Republic of Nigeria (as amended) and the authority of ***NATIONAL BANK & ANOR VS. SHOYOYE & ANOR (1977) LPELR – 1948 (SC)***.

In ***ADEMOLA VS. A.G FEDERATION & ANOR (2015) LPELR – 24784 (CA)***, absence of

jurisdiction was likened to an animal that has been drained of its blood. It will cease to have life and any attempt to resuscitate it without infusing blood it would be an abortive exercise.

Jurisdiction can therefore be challenged from the subject matter, parties or Territorial.

From the argument of Raji, SAN, the objection to the jurisdiction of this Court clearly condescends to the Territorial boundary of the FCT. I shall therefore consider Territorial jurisdiction.

The arguments of both counsel have been captured in the preceding part of this ruling. I shall go back to the arguments as I descend to my destination in this ruling.

Territorial jurisdiction is the Power of a Court to hear cases arising in or involving person residing within a deferred Territory.

See *IYANDA VS. LANIBA 11(2007) 8 NWLR (Pt. 801) 267.*

Territorial jurisdiction was described in *DARIYE VS. F.R.N (2015) LPELR – 24398 (SC) at Page 29* of the E-Report thus: ***“Territorial jurisdiction implies a geographical area within which the authority of the Court may be exercised and outside which the Court has no Power to act. Jurisdiction, territorial or otherwise, is statutory and is conferred on the Court by the law creating.”*** ***Territorial jurisdiction may mean jurisdiction that a Court may exercise over persons residing or carrying on business within a defined area, or in***

respect of a contract where its terms bring it within the area. Or it may be administrative, governing which Court or which of its divisions may exercise jurisdiction over a matter. Usually, criminal jurisdiction is dependent on the enabling law setting out the jurisdiction of the Court against the charge preferred against the accused person. In order to have jurisdiction, the Court must therefore be satisfied that the offence or crime is directly covered by the jurisdiction conferred on the Court in the enabling law;

ONWUDIWE VS. FEDERAL REPUBLIC OF NIGERIA (2006) LPELR – 2715 (SC).

The Court cannot exercise jurisdiction where the offence or crime is outside the enabling law;

BAKKAT VS. F.R.N (2013) LPELR – 22817 (CA).

Criminal jurisdiction may also be exercised by a Court where elements of an alleged crime have been committed within the territorial jurisdiction of the Court;

NJOVENS VS. STATE (1973) LPELR – 2042 (SC), (1973)ALL NLR 371;

NYAME VS. FEDERAL REPUBLIC OF NIGERIA (2009) LPELR – 8872 (CA) Per OTISI, J.C.A (Pages 40 – 42 Paragraph E).”

It is settled peradventure in the annals of our jurisprudence that be it criminal or civil, that it is the charge/information as it relates to criminal trial, on the one hand or statement of claim as it relates to civil trial, on the other hand that determines jurisdiction of Court.

Once the Court is sure that from the proof of evidence before it; no element of the offence was committed within its jurisdiction, such Court shall lack the territorial jurisdictional competence to hear such a case. This is the grouse of the Defendants' counsel in the instant application.

It is the argument of learned counsel for the Defendants that no element of the offence in question was committed within the FCT but Port-Harcourt and the United States of America.

On the other hand, Prosecution contended the averment of Defendants and contended that Form CAC7 i.e particulars of Directors which was alleged to have been fraudulently used as genuine, was signed and filed at the headquarters of the Corporate Affairs Commission, Abuja by one Ikenna Fred Aze,

a legal practitioner, with address as Plot 2420 Yakubu Gowon Crescent, Asokoro, Abuja.

Learned counsel for the Prosecution, Labaran, Esq. urged the court to view the application of Defendant on a ploy to delay trial.

Learned counsel contended further that the offences Defendants are charged with were completed with the FCT since the said Form CAC7 were filed at the Corporate Affairs Commission Headquarters, Abuja.

The case of *NYAME VS. FRN (2010) ALL FWLR (Pt. 527) 618* was cited in aid of the argument.

DANYE VS. FRN (2015) LPELR – 24398 (SC) was commended to this Court on the issue of offence comprising of more than one element.

Learned counsel urged the Court to reject the argument of Raji, SAN, on the issue of jurisdiction.

On the issue of whether or not the Court can quash the charge against the Defendants at this stage, Labaran, Esq. argued that enough evidence has been placed before the Court that the said Charge cannot be quashed.

Counsel urged the Court to dismiss the Preliminary Objection of the Defendants.

Raji, SAN, on their part, argued on the other hand in their reply on points of law to the arguments of Labaran, Esq., for the Prosecution that written address of the Prosecution which bore no seal of legal practitioner was detective. Rule 10(1) (2) and (3) of the Rules of Professional Conduct, 2007 and

Order 2 Rule 7 of the Rules of Court of FCT High Court, were cited in aid of this argument on seal.

The cases of *YAKI VS. BAGUDU (2015) ALL FWLR (Pt. 810) Pt. 1026 at 1056* was equally cited in support of this issue of seal, in urging the Court to strike-out the said written address, proceed to grant the application by quashing the charge.

Responding on the issue of seal, Labaran, Esq., for the Prosecution, cited the case of *CBN VS. EZE CA/A/344/2015* but delivered on the 15th September, 2021 to say that the issue of seal has been jettisoned by Court as incompetent to vitiate a Court process. Counsel urged the Court to dismiss the Preliminary Objection.

Let me frontally state without much ado that the provision of Rule 10(1),(2) and (3) of the Rules of

Professional Conduct, 2007 which became operative in 2015, requiring Legal Practitioners to place their stamp and seal, approved and issued by the Nigerian Bar Association (NBA) on all legal documents prepared by them, is not novel in analogies of our jurisprudence.

I say this because of the plethora of judicial pronouncements on the issue.

At some point, arguments were sustained and cases struck-out for want of compliance with the said provision on the issue of seal of counsel.

See ***DOGO VS. MBAKI (2018) LPELR – 45377 CA.***

However, the issue of lack of seal on document processes of counsel has been held to be an

irregularity that cannot vitiate such proceedings or render such a process incompetent.

See *YAKI VS. BAGUDU (2015) ALL FWLR (Pt. 810) 1026* which was further fortified in the case of *NYESON VS. PETERSIDE (2016) LPELR – 40036 (SC)*.

The essence of the Nigerian Bar Association (NBA) seal cannot be over emphasized. It is clearly meant to ensue only those qualified, and called to Nigerian Bar are allowed to practice law in Nigerian Courts and not quacks.

I need also mention that by virtue of Section 3 of the Law Officers Act, Laws of the Federation of Nigeria 2014, a legal officer is deemed to be barrister and solicitor of the Supreme Court of Nigeria. It follows therefore, that the absence of seal and stamp of

counsel that signed a legal document will not vitiate the document.

The person of Labaran, Esq. for the Prosecution is known very well as Prosecution Counsel whose credibility as Lawyer called to the Nigerian Bar is not in doubt.

The argument of learned senior counsel for the Defendant on the issue of seal clearly does not have the support of law and shall be refused. It is hereby refused and dismissed.

I have considered the argument on the issue of territorial jurisdiction.

The argument on the fact that the said Form CAC 7 i.e particulars of Directors which is one of the bone of contention as contained in the charge before the

Court has betrayed the argument of learned counsel for the Defendants.

The fact that the counsel who filed the said Form CAC 7 at the Corporate Affairs Commission (CAC) Headquarter, Abuja does his law practice in Abuja as revealed, has put a nail in the coffin on the issue of jurisdiction.

Having filed the said Form CAC 7 at the Corporate Headquarters of Corporate Affairs Commission (CAC) Abuja, which is opposite the FCT High Court Headquarters, this Court cannot be boxed into declining jurisdiction... the argument on territorial jurisdiction has to also fail. The FCT High Court is most competent to determine the said charge. I so hold.

On the whole, the argument of Prosecution is upheld. Said Preliminary Objection is dismissed for want of merit.

Justice Y. Halilu
Hon. Judge
16th May, 2022

APPEARANCES

N. O. Ezea, Esq. – for the Prosecution.

O. U. Archibong, Esq. with T.J. Jacobs, Esq. – for the Defendant.

Nwabe Okoye, Esq. holding watching brief for the Nominal Complainant.

