

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA ON THE 7TH DAY OF NOVEMBER, 2022
BEFORE HIS LORDSHIP, HON. JUSTICE U. P. KEKEMEKE
SUIT NO.FCT/HC/NY/CR/07/21

COURT CLERK: JOSEPH ISHAKU BALAMI & ORS.

BETWEEN:

INSPECTOR GENERAL OF POLICE.....COMPLAINANT

AND

**1. UMAR ADAMU }
2. ABUBAKAR USMAN }.....DEFENDANTS**

RULING

I have read the Motion and Affidavit. I have also read the Counter Affidavit of the Defence. The Prosecution prays the Court to reopen its case which was hitherto closed to enable a new witness testify. The application is supported by an 11 paragraph Affidavit.

The substance of the Affidavit is that the said witness was not available because he was under incarceration at the DSS facility

for about a year. That he was finally released in the month of July 2022 at which time the Prosecution had already closed its case.

That the said witness AlhajiAdamu Ibrahim is listed as one of the witnesses in the Proof of Evidence. That it will serve the interest of justice if the application is granted.

The Defendant filed a Counter Affidavit. It is dated 12/09/22. It is in my view offline. It did not controvert the Affidavit. I have considered the Written Addresses of Counsel. By Section 256 of the Administration of Criminal Justice Act (ACJA), the Court may at any stage of the trial either on its own motion or an application such as this call a person as a witness or recall and re-examine a person already examined where his evidence appears to the Court to be essential to the just determination of the case.

In the instant case, the witness sought to be called is the nominal complainant. He is listed No. 1 Witness in the Proof of Evidence.

In my humble view, his evidence is germane and or essential to the just determination of this case. The application therefore succeeds. It is granted as prayed.

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HON. JUSTICE U.P. KEKEMEKE
(HON. JUDGE)
7/11/22