

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT GWAGWALADA  
ON TUESDAY THE 24<sup>TH</sup> OCTOBER, 2023**

**SUIT NOT: FCT/HC/CR/198/2019**

**BEFORE HER LORDSHIP: HON. JUSTICE A.I. AKOBI**

**BETWEEN**

**COMMISSIONER OF POLICE.....COMPLAINANT**

**AND**

**1. OCHE ADA }  
2. SAMUEL ECHE}.....DEFENDANTS**

**R U L I N G**

During trial on the 6<sup>th</sup> April 2023, the prosecuting counsel O. Udo Esq sought to tender extra judicial statement of one Alheri Cletus obtained during investigation through the witness Inspector Timothy Obo (PW1), a police officer attached to Karmo Divisional Head Quarter, Crime branch. The attempt to tender the document was vehemently opposed to by J.E. Onyike Esq, of counsel to the 2<sup>nd</sup> defendant and was also holding brief for P.I Aba for the 1<sup>st</sup> defendant on the ground that the witness is not the maker of the document.

The document in issue is a public document in its primary form coming from the custody of a public officer and there are legion of cases to the effect that a public document in its original form or a CTC can be tender by a person who is not a party to the document; and can even be tender from the bar. See **Daggash v. Bulama (2004)14 NWLR (PT. 892) and Shetima & ors v. Customs (2021) LPELR-56150 (CA)**. It is therefore incorrect to say the document can only be tender through a maker. More so, I considered this document very relevant to the determination of this suit. For these basic reasons the objection of the defence is overruled and the document is admitted and marked as exhibit A4.

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**HON. JUSTICE A. I. AKOBI**  
**24/10/2023**