

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY,
IN THE ABUJA JUDICIAL DIVISION,
HOLDEN AT COURT NO. 11 BWARI, ABUJA.
BEFORE HIS LORDSHIP: HON. JUSTICE O. A. MUSA.**

SUIT No. NO.: CV/366/2016

BETWEEN:

MOHAMMED JIHAS GHRAIZI ----- CLAIMANT

AND

1. MADENI CONSTRUCTIONS LIMITED
2. ABDULMAGID MOHAMMED GHRAIZI
3. AFOLABI AKINTOLA ----- DEFENDANTS

JUDGMENT

DELIVERED ON THE ON THE 24TH MARCH 2021

By Writ of Summons dated the 23rd day of January, 2017, the Claimant filed this suit against the Defendants jointly and severally, praying the court to grant his prayers as contained in the original processes, particularly the Statement of Claims as follows;

1. A Declaration that, the Defendant set in Motion against the Plaintiff law leading to the Criminal Charge No.: FCT/HC/CR/69/10, against the Plaintiff and the Prosecution of the Plaintiff.
2. A Declaration that, the Prosecution of the Plaintiff in Charge No.: FCT/HC/CR/69/10 was completely without reasonable and probable cause and was actuate by the Defendant Malice against the Plaintiff.
3. The sum of ₦20, 000, 000.00 (Twenty Million Naira) only being general damages for the psychological trauma, embarrassment, and avoidable stress the Plaintiffs are subjected to by the Malicious prosecution of the Plaintiff.

4. The sum of ₦20, 000, 000.00 (Twenty Million Naira) only, being the cost of defending himself at the trial of the Charge and the said Appeal.
5. The sum of ₦2,000.000.00 (Two Million Naira) only, as aggravated or exemplary damages for not only maliciously instigating criminal charges Charge No.: FCT/HC/CR/69/10, against the Plaintiff, but for maliciously and mischievously participating fully in the proceedings and prosecution of the Plaintiff.
6. Substantial cost of this action in the sum of ₦20, 000, 000.00(Twenty Million Naira), only.

The fact of the case was that, the Defendant has a long standing dispute with the Claimant's father over the ownership of the sixty percent (60%) share in the 1st Defendant's Company, and the landed property of the 1st Defendant's situate at Plot 2025, Dalaba Street, Wuse Zone 5, Abuja, as a result of which the Claimant's father sued the Defendants at the FCT High Court holding at Lugbe and later sued the Defendants at the Federal High Court, Abuja, which suit got to the Court of Appeal leading to the Judgment in Exhibit 'AA8'.

The crux of the matter is that as a result of the dispute over the said share and property between the Claimant's father and the Defendants, the Defendants filed a complaint/ petition (Exhibit 'PP3') to the Economic and Financial Crimes Commission (EFCC) against the Claimant's father on the alleged offences of forgery of Power of Attorney to take over the shares and alleged forgeries of Expatriate Quota and other government documents and the Defendants joined the Claimant in their complaint to

the EFCC for no reason whatsoever or for baseless and unjustifiable reason.

It is the Plaintiff's case that, the said petition, Exhibit 'PP3', lead to the filing of a Criminal Charge Exhibit 'PP4', against the Claimant and his late father, who died in a suspicious and controversial circumstances after the criminal trial. The Claimant was charged as 2nd Accused person while his father was the 1st Accused Person and after arraignment, the Claimant and his father were remanded at Kuje Prison, where they spent some days before their bail application was determined and granted.

Also, it was the case of the Plaintiff, that the Defendants did not only filed a baseless and unjustifiable complaint to the EFCC against the Claimant, they vigorously followed up the petition and volunteered to testify and did testified as Prosecution witnesses, 'PW1', and 'PW2', respectively in the Criminal trial of the Claimant.

It was the Claimant's case that; he and his late father went through the whole hog of criminal trial from 2010 to 2013. The Record of Proceedings is Exhibit 'PP5' while Judgment wherein the Claimant was discharged and acquitted is Exhibit 'PP9'.

During the criminal trial/proceedings, there were a lot of negative publicity in both the print and electronic media claiming to be reporting the trial and this affected the image and personality of the Claimant negatively see Exhibit 'PP8' The Claimant and his father were discharged and acquitted of all the fourteen (14) Counts in the Charge, and the Court of

Appeal by virtue of Exhibit 'PP10', dismissed the appeal against the judgment of the lower court.

On the whole, it is the circumstances arising from Exhibits 'PP4', 'PP9', 'PP10', and 'AA7' that have informed the decision of the Claimant in this case to institute this suit.

At trial, the Claimant testified as the sole witness, "PW1", that he is a student, he request the court to adopt his Witness Statement on Oath as his evidence, and some duly certified true copied of documents were tendered through the BAR by the Plaintiff's counsel with no objection, which were accepted in evidence and marked as Exhibits 'PP1 - PP11, respectively. 'PW1' informed the court that, the Defendants instigated the EFCC against him and his late father, who died on the 1st day of October, 2013.

On the 13th day of November, 2018, the Defendants opened it case. He testified as 'DW1', tendered some document which were accepted in evidence and marked as, 'AA1 - 'AA7', respectively. He pleaded not guilty.

During cross examination, 'DWT admitted that, they wrote petition against the Clamant and his late father to the EFCC, upon which it charged them to the court. Though the Defendant (DW1) stood his grounds that the petition was appropriate but the Claimant and his late father were set free, discharged and acquitted by the Court.

On the 28th day of October, 2019, the Claimant through his counsel, Suleiman Yakubu Esq., filed in court his Final Written Address. In the said Written Address, counsel raised the following issues for Determination of the court;

1. Whether from the facts and circumstance of this suit, it can be said in law that the Defendants prosecuted the Claimant and if yes, whether the Defendants had reasonable cause to prosecute him.
2. Whether the Claimant is entitled to the damages for malicious prosecution.

On issue No. 1, which is, 'whether from the facts and circumstance of this suit, it can be said in law that the Defendants prosecuted the Claimant and if yes, whether the Defendants had reasonable cause to prosecute him?'

Arguing this issue, learned counsel submitted that, contrary to the opinion of the Defendants' Counsel in paragraph 1.1 of his Final Written Address to the effect that "the facts of this case had their origin in 'Exhibit PP4'- the Charge", the evidence led by both parties before this Honourable Court shows unequivocally that the facts of this case had their origin in Exhibit PP3 - the Defendants' petition to the EFCC against Claimant which was admitted in evidence by this Honourable Court without any objection.

Learned counsel referred the Honourable Court to the unchallenged and uncontroverted pleadings and evidence of the Claimant in paragraphs 6, 7 and 8 of the Statement of Claim and paragraphs 6, 7 and 8 of the Claimant's Witness Statement on Oath respectively. He argued that, the Defendants also admitted these facts in paragraph 1 of the Statement of Defence and paragraph 3 of the Defendants Witness Statement on Oath respectively.

Counsel further submitted that, the content of Exhibit 'PP3' is clear and unambiguous; it was on the letter head of the 1st Defendant signed by the 3rd Defendant for the 1st Defendant, adding that, it contains criminal

allegations against the Claimant and his late father. For ease of reference, counsel reproduced some of the content of Exhibit PP3 from the title reads thus:

"RE: PETITION AGAINST MR. JIHAD MOHAMMED GHRAIZI AND HIS CHILDREN MOHAMAD JIHAD GHRAIZI AND MOHAND JIHAD GHREIZI IN THE CASE OF ILLEGAL CONVERSION OF PROPERTY, FRAUD AND ABUSE OF EXPATRIATE QUOTA POSITION."

"We wish to report illegal activities of Mr. Jihad Ghreizi and his children."

"His Children came to my office in Lagos to fight me calling me thief and saying all sought of abusive words".

To press this point home, counsel further submitted that, it is undisputed that the Defendants' criminal allegations contained in the complaint/petition, Exhibit PP3, led to the filing of a Criminal Charge, arraignment and prosecution of the Claimant and his late Father, See the Exhibit PP4 and PP5, the Criminal Charge and the Record of Proceedings and also the unchallenged and uncontroverted pleadings and evidence of the Claimant in paragraphs 6, 7 and 8 of the Statement of Claim and paragraphs 6, 7 and 8 Claimant's Witness Statement on Oath respectively.

He stated that, the Defendants admitted these facts in paragraph 1 of the Statement of Defence and paragraph 3 of the Defendants' Witness Statement on Oath respectively.

And argued that, from Exhibit 'PP4' it can be seen that the Claimant was charged as the 2nd Accused person and he was featured along with his late father in Counts 5, 6, 7, 8, 9, 10, 11, 12 and 13 of the Charge for the

alleged offences of conspiracy, forgery and using forged documents as genuine contrary to Sections 96, 363 and 364 respectively of the Penal Code, adding that, these much was admitted in paragraphs 7 (d), (e), (f), 14, 15 and 16 of the Statement of Defence and paragraphs 9 (e), (f), (g), (h), (i), (k), 12i, ii, and 16 of the Defendants' Witness Statement on Oath.

It was counsel's submission that it is now elementary and trite principle of our law that facts admitted needs no further proof and urge the Honourable Court to hold the facts as pointed out in paragraphs 4.02 to 4.05 above as admitted or deemed admitted by the Defendants.

In the same vein counsel to the Claimant contended that, the Defendants did not only stopped at the petition, they vigorously followed up the Petition and they were not just listed as Prosecution Witnesses, they volunteered (not subpoenaed) to testify and did testified against the Claimant and his late father as 'PW1' and 'PW2' respectively in the criminal prosecution of the Claimant. Again, counsel referred the Honourable Court to the list of witnesses in Exhibit 'PP4', where they were listed as Prosecution Witnesses No. 3 and 4 respectively and page 6 to 13 and 13 to 23 of the Record of the Criminal Proceedings, Exhibit 'PP5', where the 3rd and 2nd Defendants testified as 'PW1' and 'PW2', respectively against the Claimant and his late father.

It was learned counsel's contention that, going by the premise of the admitted facts and circumstances of this case given above - where the Defendants set the law in motion by filing a complaint/petition to the EFCC as a result of which the Claimant and his late father were arrested, arraigned and prosecuted before the High Court of FCT and before the

prosecution, the Defendants volunteered to testify and did testified against the Claimants and his late father, and the Claimant was subsequently discharged and acquitted - would the Defendants be said, in law, to have prosecuted the Claimant?

To answer this question, counsel quickly placed reliance on the Supreme Court decision in the case of BALOGUN Vs. AMUBIKAHUN (1989) 3 NWLR (Pt. 107)18 at 30 paragraph C, where the apex Court, Per BELGORE J.S.C., held thus:

To prosecute is to set in motion the law whereby an appeal is made to some person with judicial authority in regard to the matter in question and to be liable for malicious prosecution, a person must be actively instrumental in setting the law in motion. Merely giving information to the police is not enough; that at best may lead to an action for false imprisonment if the police act on the information and make an arrest and prosecute unsuccessfully.

He submitted that, his lordship further held thus,

"In Nigerian situation, once a report or complaint is made to the police and strenuously pursued as in this case, and through the same mischievous lying, the police not only make an arrest of the incriminated person, but proffer a charge against him and take him to court for prosecution, the complainant has set in motion the law for a person clothed with authority to arrest and charge the incriminated person.

The complainant, having made a false statement, maliciously, and thus causes a judicial act like the issue of arrest warrant to the prejudice of the Plaintiff, will be liable for malicious prosecution even though he may not technically have been the prosecutor in the strict sense."

To buttress this point, counsel call in aid the Supreme Court authority of BALOGUN Vs. AMUBIKAHUN (Supra).

Counsel maintained that, one can rightly conclude that Defendants have set the law in motion, by their petition/complaint, Exhibit 'PP3', against the Claimant to the authority (EFCC), upon which the Claimant was arrested, detained and prosecuted before a High Court of Justice - Exhibit 'PP4' and 'PP5' - and the Court in its well considered judgment discharged and acquitted the Claimant, Exhibit 'PP9', and the Defendants are deemed, in law, to have prosecuted the Claimant and he urge the Honourable Court to so hold.

Equally, counsel contended that, having established that, the Defendant have prosecuted the Claimant the question that would naturally come to mind would be whether the Defendants had reasonable cause to prosecute the Claimant.

He argued further that it is established that the Defendants had a long standing dispute with the Claimant's father on the disputed Power of Attorney, Exhibit 'AA5' (tendered by the Defendants), which stated that, the 2nd Defendant, has Donated the majority shares in the 1st Defendant, for valuable consideration, to the Claimant's father, and added that the dispute over Exhibit 'AA5' lead to the Claimant's father instituting Suit No. FCT/HC/CV/1304/08, Exhibit 'AA4', in 2008. On this, counsel referred the Court to paragraphs 7 (e) and (h) of the Statement of Defence.

Counsel posit that, infuriated by the said suit, Exhibit 'AA4', and in other to get at the Claimant's Father, the Defendants made a false claim/allegations against the Claimant's father and out of malice and for

no justifiable reason whatsoever, the Defendants joined the Claimant in their petition, Exhibit PP3, to the EFCC which led to his prosecution and he was discharged and acquitted.

It was his submission that, to establish the malice and the unjustifiable cause of the Defendant in prosecuting the Claimant, the Defendants failed woefully, throughout the proceedings and/or in their testimonies to the Court as contained in Exhibit 'PP5', to link the Claimant to any of the criminal allegations of conspiracy and forgeries of different official documents, and the alleged making use of the forge documents as genuine, adding that, His Lordship, Hon Justice A.S. Umar of the High Court of FCT (as he then was) in his judgment, Exhibit 'PP9', confirmed that, the Defendants have no basis or reasonable cause whatsoever to prosecute or complaint against the Claimant ab initio. Counsel referred the court to page 16 of Exhibit 'PP9', where his Lordship found and held as follows:

Let me note therefore, that the Accused persons have been discharged of the offence of conspiracy to forge the documents on the charge, the 2nd Accused person who was not mentioned anywhere by any of the witnesses who testified on this charge must be left off the hook.

It is becoming clear that the 2nd Accused person was charged based merely on the suspicion of the prosecution. The only place the 2nd Accused person was mentioned by 'PW2' who stated that, he was sent to Lagos with some documents which include C of O and other documents they were alleged to have been forged. The fact of the delivery of the documents in itself is not evidence of its production by the prosecution. ... For this and earlier reasons adduced, I hold that the prosecution was unable to link the 2nd Accused person with to the

alleged offences in counts 6 and 7 and accordingly, I enter a verdict of not guilty on those counts and consequently he is discharged and acquitted".

Also, counsel referred this Honourable Court to pages 15 and 20 of the judgment, Exhibit 'PP9', where the Claimant and his late father were discharged and acquitted on all the allegations in the counts on the same and/or similar grounds/reasons.

In the same breadth, counsel submitted that the "the 2nd Accused Person" referred in the above quoted judgment is the Claimant herein. He argued that, all the findings and holding of the Court in Exhibit 'PP9', including the above quotation, remain the valid, binding and subsisting judgment of a competent Court, the High Court of the Federal Capital Territory and urged the Honourable Court to so hold.

Counsel argued further that, the Defendants had mischievously and maliciously claimed copiously in several paragraphs of the their Statement of Defence and the Witness Statement on Oath that the Claimant and his late father forged a Power of Attorney which transferred the 60% shares in the 1st Defendant to the Claimant's father. He referred the court to paragraphs 7 (d), (h), 11 (ii) and 14 of the Statement of Defence.

Learned Claimant's counsel submitted that, Exhibit AAS, particularly pages 2 and 21, which is the Judgment of the Court of Appeal in Appeal No. CA/A/44/2011, between the Claimant's father and the Defendants, would reveal that the Court of Appeal had since resolved the issue of the alleged forgery of the Power of Attorney in issue and held that the Power of Attorney in issue was valid and genuine and not forged.

He however stated that, the Defendants have mischievously continued to maintain and alleged before this Honourable Court that, the Claimant and his late father forged the Power of Attorney and the Expatriate Quota despite the subsisting and binding judgments/decisions of the Court of Appeal contained in Exhibit 'AA8', and the judgment of the High Court of FCT contained in Exhibit 'PP9'.

Counsel further submitted that, the Defendants' lies and deliberate falsehood in paragraphs 7 (d), (h), 11 (ii), 14 of the Statement of Defence and paragraphs 9 (h), (k), 12(ii) and 15 of their Witness Statement on Oath despite the judgments in Exhibits 'PP9' and 'AA8 is, for all intent and purpose, not only a clear intention to mislead this Honorable Court with lies on oath, but an affront to the court and/or valid decisions of competent courts of law which act in itself is contemptuous and a species of an abuse of the Court and judicial process. Counsel urged the Honorable Court to so hold.

Learned Claimant's counsel contended that, there is no better proof to establish the non- justification of putting the Claimant through the troubles, pains, - humiliation and trauma of criminal prosecution than the judicial pronouncement of the Court and his discharge and acquittal and urged the Honourable Court to so hold.

It was counsel contention that, the Defendants cannot be heard to claim any justification on the forgery of Power of Attorney or Expatriate quota are estopped as those facts are no longer at the realm of allegations but issues of proven facts against the Defendants embodied in judicial decisions, Exhibit 'PP9' and Exhibit AA8, hence the Defendants are

estopped in law and in fact from contending the contrary. Counsel on this, placed reliance on the case of IKENI Vs. EFAMO (2001) 10 NWLR (Pt. 720) 1 at page 11 paras E-F, where it was held thus;

A party is precluded from contending the contrary of any precise point which, having once been distinctly put in issue, has been solemnly and with certainty determined against him. Even if the objects of the first and second actions are different, the finding on a matter which came directly (not collaterally or incidentally) in issue in the first action, provided it is embodied in a judicial decision that is final, is conclusively between the same parties and their privies.

Finally on this leg, counsel submitted that, on the authority of IKENI Vs. EFAMO (Supra), the Defendants are estopped or precluded from claiming that Claimant and/or his the late father of forged any expatriate Quota and/or Power of Attorney. This is because the issue of issue of the alleged forgeries has been distinctly put in issue before the Courts and same have been solemnly and with certainty determined with finality against the Defendants in Exhibits 'PP9' and 'AA8' and we humbly urge the Honourable Court to so hold.

Counsel equally relied upon the authority of the Supreme Court decision in BALOGUN Vs. AMUBIKAHUN (supra) he stated that, having established that the Defendants set the law in motion by Exhibit 'PP3' without any justifiable cause and had actively, participated in the proceedings as witnesses, Exhibit PP5 consequent upon which the Claimant was discharged and acquitted, Exhibit 'PP9', the Defendants are in law deemed to have prosecuted the Claimant, thus the Claimant has complied with all

the ingredients of establishing malicious prosecution and we respectfully urge the Honourable Court resolve issue 1 in favour of the Claimant.

On issue two, which is, 'Whether the Claimant is entitled the damages for malicious prosecution?'

In arguing this leg, counsel submitted that, the Claimant sought for general and exemplary damages against the Defendants jointly and severally. He argued that, it is trite law that general damages in malicious prosecution need not be specifically pleaded or proved by evidence for it arises by inference of law where a claimant has shown that he has suffered as a result of the malicious prosecution. On this, counsel cited the case of FADEYI Vs. OWOLABI (2015) ALL FWLR (Pt. 798) 816 at 847 -848 paras F-F, where the Court held that,

It is trite law that where the respondents have not suffered any damages, the court will not award any cost as damages. However, where they are shown to have suffered as a result of the wrong complained about, that is malicious prosecution as in the instant case general damages are awarded as a result of assuaging the pains suffered by the respondent.

General damages need not be specifically pleaded since it arises by inference of law and need not be proved by evidence.

It is left for the trial judge to make his own assessment of the quantum of damage to award in every given circumstance...

Indeed, the respondents from every indication suffered damages by reason of the prosecution which I hold to have been occasioned out of malice. They are therefore entitled to the award of general damages.

To buttress his position, counsel contended that, the Claimant has shown by evidence that he was arrested, detained in the EFCC cell, he was asked to be reporting to the EFCC office in Lagos for about two (2) years, he was arraigned along with his father, sent to the Prison for some days before they could complied with their bail conditions, his pictures were all over print media when he was being taken to the prison, went through the pains and humiliation of criminal trial for a period of three years, suffered all sort of negative publicities from the print and social media, on his image and person, during the trial all due to the Complaint initiated by the Defendants. See Exhibit PP8 and paragraphs 5, 6, 9, 10, 11, 12, 15, 16, 17, 18, 19, 21 and 22 of the Statement of Claim and the claimants Witness Statement on Oath

Counsel contended further that, that the Claimant "from every indication suffered damages by reason of the prosecution which have been occasioned out of malice, and maintained that, the Claimant is entitle to the award of damages as claimed. On this premise, learned counsel urged the honourable Court to resolve issue 'Two' in favour of the Claimant.

On the whole, and conclusively, counsel urged the Honourable Court to hold that the facts and circumstance of this suit, the authorities and submissions in support, postulates an appropriate condition for the grant of the relieves claimed and to grant the relieves as claimed.

On the other hand, the 1st, 2nd and 3rd Defendants through their counsel, Luke Aghanenu Esq., filed their Final Written Address, dated the 31st day of May 2019, and filed same date. In the said Written Address, learned

counsel to the 1st, 2nd and Defendants formulated three issues for determination of the Honourable Court., thus;

- 1) Whether the mere fact that the Defendants based on the facts and circumstances of this case, and believing same to be true, acted maliciously by writing a petition to the EFCC and testifying as witness in the subsequent criminal action against the Plaintiff?
- 2) Whether the mere fact that an accused person, having undergone trial and is acquitted will ground an action for malicious prosecution?
- 3) Whether a patty, as in this case the plaintiff claiming for special damages would succeed in such claim without establishing the requisite nexus of what he had suffered in concrete terms to justify the claim and award of special damages?

Counsel to the Defendants argued these issues serially. On issue 'One', which is 'Whether the mere fact that, the Defendants based on the facts and circumstances of this case, and believing same to be true, acted maliciously by writing a petition to the EFCC and testifying as witness in the subsequent criminal action against the Plaintiff?

If was counsel's submission that, the Plaintiff in this case contended that, the act of filing a criminal charge by the EFCC based on the Defendants' petition, amounted to malicious prosecution by the Defendants, adding that, to argue as the Plaintiff seemed to argue, is a clear m understanding of what amount to malicious prosecution. Counsel referred the Court to the principle of law as held in the case of MAYALEKE Vs. OKENLA (2015) Vol. 29 WRN (Pg. 97 - 102) that:

"The victim of a crime has a right to lodge a complaint to the police who have a duty to investigate. Investigation must of course be premised on a Complaint. See UBA Plc. Vs. Tsokwa Motors Ltd. (2000) FWLR (Pt. 22) 1057 2000) 2 NWLR (Pt. 645) 36."

Counsel to the Defendants argued that, what the prosecution makes out of the complaint is not the responsibility of a Complainant who did nothing more than report a matter based on his own conviction and the circumstances of reaching such a conclusion that he has been a victim of crime or that a crime has been committed of which even as a bystander, he can report to prosecuting authorities, of person(s) he suspected of being responsible for such a crime.

Counsel in support cited the login in case of CCB (NIG.) LTD. Vs. ODOGWU (1990) 3 NWLR (Pt. 140) 646, it has provided a guide on what is required of a party alleging malicious prosecution to prove, adding that, he must prove the following:

- a) That he was prosecuted by the defendant. In this regard it must be shown clearly that the defendant set in motion against the plaintiff the law leading to a criminal charge.
- b) That as a result of the prosecution aforementioned. The Plaintiff was tried by a court of competent jurisdiction, discharged and acquitted, in short that the prosecution was determined in the plaintiff's favour.
- c) That the prosecution of the Plaintiff was completely without reason and probable cause.

d) That the prosecution was as a result of malice by the Defendant against the Plaintiff.

Counsel submitted that, it is clear with principle A & B above that the Defendants did make a complaint to the EFCC, which bordered on the fraudulent conversion and alteration of the shares of the 2nd Defendant held in the 1st Defendant and other sundry criminal activities such as abuse of expatriate quota as shown in Exhibit 'AA4\

Learned defence counsel argued that, it is not in dispute as well that, the Plaintiff was discharged and acquitted by the High Court as shown in Exhibit 'PP9', but the prosecuting authority, the EFCC did appeal the judgment of the lower court for reasons or grounds stated in the appeal as contained in Exhibit 'PP10'.

He submitted that it may be attractive for the Plaintiff to argue that he was set free by the dismissal of the appeal by the Appellate Court, but the fact of the matter is that the said appeal was not dismissed on merit, but under the trite principle of the Court of Appeal Rules that where a party voluntarily withdraws an appeal, the proper order for the court to make is an order of dismissal, he added however that, this is according to Order 18 Rule 1 of the Court of Appeal Rules (2011) which states that:

18(1). An appellant at any time after he has duly served notice of appeal or application for leave to appeal, or of application for extension of time within which such notice shall be given, may abandon his appeal by giving notice of abandonment thereof to the Registrar, and upon such notice being given the appeal shall be deemed to have been dismissed by the Court. Notice of

abandonment of an appeal shall be in Criminal Form 11 or 11 A, as the case may be.

It was counsel's maintained that, the said dismissal was not on merit and argued that, Order 19 of the Court of Appeal Rules (2011) even agrees that in some circumstances, an abandoned appeal can be resuscitated by the leave of the court for an extension of time, where it states thus:

19. An Appellant who has abandoned his appeal may, in special cases, who the leave of the Court, withdraw his notice of abandonment by duly completing Form 13 or 13A, as the case may be, in the Second Schedule together with Form 7 (Notice of Application for extension of time within which to appeal) and sending them to the Registrar.

Relying on the premise, counsel contended that, as testified by DW2, the appeal was withdrawn upon the notice of the death of the principal Defendant/Respondent in the case - the father of the claimant/Plaintiff, who was charged along with the Plaintiff in the said criminal case. He stated that, this action of withdrawal is supported by the trite principle of law in criminal matters that action abates against the dead.

Counsel contended further that, even if the Defendants concede without conceding that, the act of withdrawal by the EFCC did not play a part at the Appellate Court and the Plaintiff in this case had been set free on merit by the Appellate Court upholding the decision of the lower Court, and maintained that, that does not obviate the fact that the mere prosecution of a party suing in malicious prosecution does not mean he will succeed in such action.

On this, counsel to the Defendants argued it is incumbent on him to prove the remaining principles of;

b. That the prosecution of the Plaintiff was completely without reason and probable cause, and;

c. That the prosecution was as a result of malice by the defendant against the Plaintiff.

In the same vein, counsel submitted that, the burden of proof is on the Plaintiff as in this case, to show those conducts of the Defendants that showed malevolence towards him in the course of his prosecution by the prosecuting authority with respect to the complaint of the Defendants. Counsel placed reliance upon the case of OJO Vs. CKITIPUPA OIL PALM PLC (2001) 9 NWLR (PT. 719) 679, where the court held that;

“The burden of proof of malicious prosecution in a civil action is on the Plaintiff and if is not a simple matter of faking bread, buffer and coffee on the breakfast table of the Englishman. It is much more than that The Plaintiff must prove that the complaint was malicious in the sense that the Defendant was out to score an old point by way of organized vendetta. The Plaintiff must prove that the defendant was knee-bent, come rain, come shine, not only to embarrass the Plaintiff but also to ensure that he is either incarcerated or an offence (or made to pay fine in lieu) that he had no mens rea or actus reus or both.

There must be an unequivocal mind or conduct on the part of the Defendant to destroy the plaintiff who is innocent. A prosecution cannot be said to be malicious merely because the trial court

discharged the accused person. A mere discharge without acquittal cannot give rise to a civil action of malicious if the Defendant had malice against the Plaintiff and pursued the malice by reporting the matter to the police, a matter which has not any iota of evidence to support prosecution. The report and the prosecution are all founded on vendetta on the part of the Defendant. Where a Plaintiff has an opportunity to commit a crime or was in a position to commit the crime but the court discharged him on technical ground, a civil action of malicious prosecution cannot lie against the defendant because there was no malice at all. The English word 'malice' means the wish, desire or intention to hurt or harm someone. Therefore a defendant who believed that he had genuine, the defendant cannot be liable to a civil action of malicious prosecution.'

In support counsel further cited the cases of ISHENO Vs. JULIUS BERGER (NIG.) PLC. (2008) 23 WRN 35; (Pg. 38 - 39), Bank of WEST AFRICA Vs. ODIATU (1956) LLR 48 and MANDILAS & KARABERIS Vs. Apena (1969) All NLR 390; (1969) NMLR 199.

Similarly, on this leg, counsel cited the case of ESTHERADEFUNMILAYO Vs. OMOLARA CDUNTAN (1958) WRNLR 31 and GBAJOR Vs. OGUNBUREGUI (1961) 1 All NLR 853. Per Akintan, JSC [Pp. 48-49] lines. 35- 10, in support.

On issue 'Two', 'Whether the mere fact that an accused person, haven undergone trial and he was acquitted will ground an action for malicious prosecution?'

On issue 'Two', counsel submitted that, in the course of the trial, the Plaintiff tried to make heavy whether out of the fact that he was tried,

discharged and acquitted by the High Court of the Federal Capital Territory, but this line of belief is erroneous, because, what is expected of the Defendants whilst making a complaint against the Plaintiff is the belief that the complaint hangs on reasonable and probable cause.

He argued that, it is not incumbent on him not to make a report particularly in a case like this where the Defendants believed that documents relating to their assets had been compromised by the Plaintiff who was one of the accused persons in charge No.: CR/69/2010. Counsel cited by KODILINYE & ALUKO in the book; Nigerian Law of Torts Pg. 31 Hawking J in Hicks Vs. Faulkner says that:

"I should define reasonable and probable cause to be an honest belief in the guilt of the accused based upon a full conviction, founded upon reasonable grounds, of the existence of a state of circumstances, by which, assuming them to be true, would reasonably lead any ordinary prudent and cautious man placed in the position of the accuser, to the conclusion that the person charged was probably guilty of the crime imputed."

Again, counsel contended that, it is not the duty of the Defendants to prosecute the Plaintiff, adding that, their duty is to make a report of a believable criminal in fraction by the Plaintiff and other persons that may be associated with him.

He submitted that, once, he didn't take any step beyond making such a report, the claim of malicious prosecution becomes a wishful thinking of such a Plaintiff as in this case, and argued that, the onus is on the Plaintiff

to show that those steps taken by the Defendants were taken to procure prosecution at all cost.

Learned counsel maintained that, the Plaintiff has not shown any scintilla of evidence beyond the claim that the Defendants instigated the EFCC to have them prosecuted.

It was his submission that, under cross-examination, the Defendants never showed any iota of evidence of those vengeful steps taken by the Defendants to procure their conviction/prosecution at all cost. He stated that, it is the duty of the plaintiff to show the particulars of such instigation beyond the mere facts of the Defendants writing letter of complaint of criminal infractions by the Plaintiff and the father with respect to the assets of the 1st Defendant.

Counsel in the same vein, argued that, once he has failed this test, if is taken that he is on a mere journey of frolic, adding that, it will be stretching the law to the ridiculous to begin to argue that any time a complaint is made against a person for acts bordering on criminality, and such a person should run under the canopy of malicious prosecution to extract advantages against persons that reported such a criminal act. He contention that, the law did not intend by any stretch of imagination that, that is the meaning of malicious prosecution.

To show that there was nothing malicious about the prosecution of the Plaintiff, counsel argued that, the Plaintiff both in his claim and oral evidence under cross-examination placed his implicit faith on the right of Economic and Financial Crimes Commission (EFCC) to prosecute him, because when he was asked under cross- examination about his reason for

not joining the EFCC in this action, his reply was that; "I have no case against the Government of Nigeria, only the two Defendants."

He stated further that, in Exhibit PP1, the Plaintiff solicited the support of the EFCC to prosecute the Defendants. He put that, the question to ask from this, is if the Plaintiff in this case both in his statement to the prosecuting authorities as in Exhibit 'PP1 ', and his evidence before this Honourable Court, placed his faith and confidence in the prosecuting authorities for the reasons of their fairness, where there lies his angst of malicious prosecution?

On this, it was his position that, the Plaintiff cannot approbate and reprobate, he cannot make claim of fairness in his trial and at the same time proceed to commence an action for malicious prosecution against Defendants who on reasonable suspicion wrote a letter of complaint to the EFCC.

Also, counsel submitted that, the EFCC in its testimony before this Honourable Court agreed that the Plaintiff and the father were prosecuted based on their (EFCC) conviction that there was merit in the petition filed by the Defendants. He said the Plaintiff never by way of evidence resulted the claim of the EFCC by showing the particulars of those conducts that otherwise influenced the EFCC to come to the conclusion to prosecute the Plaintiff.

On the last leg, which is, 'Whether a party, as in this case the plaintiff claiming for special damages would succeed in such claim without establishing the requisite nexus of what he had suffered in concrete terms to justify the claim and award of special damages?

On this last leg, counsel, contended that, for the claim of award of general damages, it is important that the Plaintiff must establish the injury that he had suffered. He added that, the Plaintiff's claim to damages, particularly as contained in paragraphs 3 and 4 are for emphasis set out below:

3 The sum of N20, 000,000,000.00 (Twenty Billion Naira) only being general damages for the psychological trauma, embarrassment and avoidable stress the Plaintiff are subjected to by the malicious prosecution of the Plaintiff.

4 The sum of N2,000,000,000.00 (Two Billion Naira) only as aggravated or exemplary damages for not only maliciously instigating a criminal Charge No.: FCT/HC/CR/69/10 against the Plaintiff but for maliciously and mischievously participating fully in the proceedings and prosecution of the Plaintiff.

Counsel submitted that, the claim in paragraph 3 though deemed to be general damages, and argued that by the nature of the grounds of the claims thereof, such as psychological trauma, stress and embarrassment, they are not claims under the umbrella of general damages, but are claims under special damages.

It was counsel's contention that, psychological trauma is a medical condition occasioning from harm which would require medical treatment; the same thing as stress disorder and throughout the trial, the Plaintiff never tendered any medical report showing how he was treated of the psychological trauma or stress as medical conditions to warrant the award of such damages nor the cause of such distress with regard to trauma and stress.

Argued further, counsel request the court to be vigilant so that it is not misled by the bogus claim of embarrassment, because the Plaintiff who said he was a student and did not show before this Honourable Court any adverse reaction that arose from his trial, and in consequence threatened the integrity of his studentship.

He argued that, no third party was called to show alteration or perception of the Plaintiff, which may have resulted from the said publication in order to damage his reputation, and argued further that, in his examination in chief and cross examination, he said he is a student, and how as a student, the business he does for which he was entitled the quantum of monetary claim he had made.

Counsel submitted that whatever he may have suffered from his prosecution ought to have an adverse bearing on his status as a student by virtue of this publication. He argued that, if there were such publications, the Plaintiff never in any way by any modicum of evidence showed that the said publications were induced by the Defendants.

Learned counsel maintained that, it will be a travesty of our jurisprudence with respect to publications for Defendants to be held liable for any harm positive or negative arising from a judicial proceeding. The 1999 Constitution in Section 39(1) guarantees the right to freedom of expression under which the media operates, and it is unimaginable that a report of a judicial proceeding will amount to infringement of that constitutional right.

Counsel submitted that, there is no evidence before this Honourable Court by the Defendants to the publishers of the said report protesting the

accuracy or otherwise of the said report. He urged the court to rely on the reasoning of his lordship DONGBAN-MENSEM, JCA, in the case of MAYALEKE Vs. OKENLA (Supra).

Similarly, counsel in support cited the case of KUSFA Vs. UBC Ltd. (1994) 4 NWLR (Pt. 336) 1, where it was held that:

"The Respondent must specially plead and prove the details of claim. In this appeal, it would be the number of customers he roc in a day, how much he made and how much he lost by his alleged incarceration, if sue h were illegal.'

To support this authority cited, counsel argued that, it is not enough to label a claim general damages, but the very fact that, the Plaintiff has particularized such claims by way of subjects of psychological trauma, stress and embarrassment means that he must follow the dictum of His Lordship as in the above case and prove them evidentially.

Counsel further argued that there is no iota of evidence before this Honourable Court in that regard, and submitted that, exemplary damages are damages awarded in addition to actual damages when the Defendants acted with recklessness, malice, or deceit. He maintained that, the Defendants did not act with any malice, recklessness or deceit to warrant such award of exemplary damages.

On the whole learned counsel referred the Honourable court to the monetary claim of the plaintiff is in paragraphs 5 & 6 which are to the effect that:

- The sum of N20, 000,000.00 (Twenty Million Naira) only being the cost of defending himself at the trial of the charge and the said Appeal.

- Substantial cost of this action in the sum of H2, 000,000.00 (Two Million Naira).

On this, counsel argued that, there is no single piece of evidence before this Honourable Court evidencing how the Plaintiff came about these claims.

He stated that, it is trite that the court is not a Father Christmas who is out there to dispense judicial gifts to wayward litigants and that, the onus is on the Plaintiff to prove every particular of his monetary claims.

Conclusively, counsel submitted that, the Plaintiff in this case has not discharged the requisite onus of proving the required ingredients in the case of malicious prosecution, but he is only a desperate litigant seeking for legal fortunes from this Honourable Court, and urge this Honourable Court to resist the temptation of making itself available to such a judicial fortune seeker.

Learned defence counsel urged this Honourable Court to dismiss this suit as being unmeritorious and vexatious, and in consequence thereof award the cost of NT, 000,000.00 (One Million Naira) only against the Plaintiff in favour of the Defendants for this frivolous action.

On the other hand the Defendants through their counsel filed a Reply on Point of Law to the Claimant's Final Written Address. On the said reply, counsel concluded that, by virtue of the authority of OJO Vs. LASISI 2003 (Vol 28 WRN 31 at Pg. 33, the Claimant's counsel has misapplied the case of BALOGUN Vs. AMUNIKAHUN (Supra), which he cited, because; he neglected to address the facts that the Appellant by the fact of BALOGUN Vs. AMUNIKAHUN (Supra) did take the step which the Supreme Court

considered malicious by procuring a witness (Witch Doctor) to implicate and lie to the effect that the Respondent wanted to kill the Appellant over a land dispute.

Counsel argued that, what constitutes malice must be that which must be malicious as the facts of BALOGUN Vs. AMINIKAHUN established, and added that, even in the OJO Vs. LASIS (SUPRA), where the Defendant followed his petition by making sure it was investigated when the case seemed to have gone cold, it was held that the Defendant in that case did not act maliciously.

In support, counsel contended that paragraph 4.11 of the Claimant's Final Written Address is an attempt by counsel to substitute Written Address for evidence as the Claimant through the gamut of his Statement of Claim or Witness Statement on Oath, particularly the former, did not alleged any long standing dispute" between the parties in order to establish a probable cause.

Defence counsel maintained that, counsel cannot substitute a Written Address as evidence. He relied upon the authority of OKWEJIMINOR Vs. GBAKEJI (2008) Vol. 1 7 WRN Pg. 1 at Pg. 10 where the Court held:

"The law is well pronounced upon that no matter how brilliant the address of counsel is, it cannot be a substitute for pleadings or evidence. Courts are only enjoined to limit and restrict themselves to pleaded and proved facts. See: Lewis & Peat (NRI) Ltd. v. Akhimien (1976) 1 All NLR (Pt. 1) 460: (1976) 7 S.C 157 at page 160, Niger Construction v. Okugbeni (1987) 4 NWLR (Pt. 67) 787 at Page 792, Igwe v. AICE 1994) 8 NWLR (Pt. 363) 459 at page 481.

The court below had no business considering that issue as it was not properly brought before it. And, as a general rule, no court is permitted to make a case not made by the parties. See the cases of *Incar (Nig.) Ltd v. Benson Transport Ltd.* (1975) 3 S.C 117, *African Continental Seaways Ltd. v. Nigerian Dredging Roads and General Works Ltd.* (1977) 3 FRCR 363: (1977) NSCC (vol. 11) 323; (1977) 5 S.C 235 at page 245 - 250, *Unical v. Essien* (1996) 10 NWLR (Pt. 477) 225; (1996) 12 S.C 304 at page 326." Per Muhammad, JSC [Pp. 49 - 50] lines. 35 - 5

Counsel submitted that, the intention of the Claimant in paragraph 4.13 to 4.20 to rely on the authority of *Ikeni Vs. VLR* (Pt. 720] 1 at Pg. 11 in order to estop the evidence of the Defendants arising from the facts of Exhibits PP9 and AA8 is misdirected as the Claimant cannot approbate and reprobate. On this, counsel cited the case of *IKOTUN*

Vs. OYEKANMI (2008) Vol. 44 Pg. 1 at Pg. 7 Para. 6, and *AKANBI OYEWALE* (2008) Vol. 52 WRN Pg. 46 at Pg. 51, where the court held:

"To determine whether the same question was decided in both the previous proceedings, and the present action the court may examine closely the reasons for the judgment and other relevant facts to discover what was actually in issue in proceedings. This would help determine whether the parties and their privies, the facts in issue and the subject matter of the previous case or cases and the present are the same.

In the same vein and to buttress his points, counsel cited the cases of *FADIORA Vs. GBADEBO* (1978) 1 LRCN 97; (1978) 1 NSCC 121; (1978) 3

S.C 219, also ALHAJI LASISI OTAPO & ORS. Vs. ZACHEUS FALEYE & ORS. (1995) 2 SCNJ 195; (1995) 3 NWLR (Pt. 381) 1." Per Uwa, JCA [P. 61] lines. 30-35.

In reply, finally, the defence counsel contention that, the Claimant by way of his Written Address conceding without conceding cannot raise the issue of Estoppel by way of a Written' Address. He urged the court to see the case of IKOTUN Vs. OYEKANMI (2008) Vol. 44 Pg. 1 af Pg. 5 Para. 2, where the court held that:

"One crucial feature of estoppel by judgment is that it has to be specifically pleaded as otherwise it cannot be relied upon in court although it is not required to be pleaded in any form. See Ebba Vs. Ogodo (2000) 17 WRN 95; (1984) 1 SCNLR 372; (1984) NMLR 92; (2000) 6 S.C (Pt. 1 133, Ukaegbe Vs. Ugorji (1991) 6 NWLR (Pt. 196) 127; (1991) NSE (vol. 22) 298 and Chinwendu Vs. Mbamali (1980) NSCC 128; (1980) 3-4 S.C 21." Per Chukwuma-Eneh, JSC [P. 16] lines.

25 - 30.

In conclusion, counsel sought that, this case be dismissed for being frivolous and vexatious, and urged the Honourable Court to award substantial cost against the Claimant.

After having carefully considered the processes as filed by both the claimant and defendants counsels, I have adopted the issues for determination as raised by the defendant counsel, as thus;

1. Whether the mere fact that the defendant based on the facts and circumstances of this case and believing same to be true, acted maliciously

by writing a petition to the EFCC and testifying as witness in the subsequent criminal action against the plaintiff.

2. Whether the mere fact that an accused person, having undergone trial and is acquitted will ground an action for malicious prosecution.

3. Whether a party, as in this case the plaintiff claiming for special damages would succeed in such claim without establishing the requisite nexus of what he had suffered in concrete terms to justify the claim and award of special damages.

Before delivering into the first issue which is whether or not based on the facts and circumstances of the case, the defendant acted maliciously by writing a petition to the EFFCC and testifying as witness in the subsequent criminal action against the plaintiff. I believe it is pertinent that we understand what constitutes malicious prosecution.

The court of appeal, per Justice Orji Abadua graciously defined malicious prosecution as a tort or a civil wrong which enables a person who is the subject of groundless and unjustified court proceedings to seek a civil claim for damages against his prosecutor. See the case of OGBONNA V. OGBONNA & ANOR (2014) LPELR. 2230 (CA).

Furthermore, before an action for malicious prosecution can be successful to the satisfaction of a court of law, certain ingredients have to be proved to the satisfaction of the court. These elements were succinctly enumerated in the case of ALHAJI ISA TARIHU LAIGORO V. ALHAJIJIBRIL GARBA.

Thus;

1. That the defendant acted without reasonable and probable cause.

2. That the prosecution was maliciously instituted.
3. The plaintiff must prove that the action was started at the instance of the defendant who set the law in motion against him leading to criminal charges.
4. That he was prosecuted and the criminal prosecution terminated in his favor.

In the instant case, the defendant having written a petition exhibit 'pp3' submitted it to the EFCC, which has been admitted before the honorable trial Judge without any objections. The position of the law is clear that for the plaintiff's claim to succeed he must prove that the action was started at the instance of the defendant who set the law in motion against him....to criminal charges. See also the case of *INNEH V. ARUEGBON* (1952) 14 WACA 73, where it was held that within the context to prosecute is to deliberately and actively initiate or instigate by way of a direct appeal to or pressure on a person with judicial authority with regard to a complaint or report made that the plaintiff be charged to court and put to trial. See also the case of *BALOGUN V. AMUBIKAHUN* (1989) 3NWLR (pt.107)18.

I do agree with the claimant that the defendant's petition exhibit 'pp3' was the genesis of the whole matter. Exhibit 'pp3' set in motion the criminal prosecution of the claimant who was eventually discharged and acquitted of the charges leveled against him.

On the second issue, which is whether or not an accused person having undergone trial and s acquitted will ground an action for malicious prosecution in itself is to prohibit in whatever form unlawful prosecution and seek to provide a remedy for a person who has been unjustly

prosecuted. To answer the issues as formulated by the defendant counsel, an accused person who has undergone trial and is acquitted is allowed by law to institute an action for malicious prosecution where he believes he has a claim which he can prove to the satisfaction of the court.

The right given to him is not absolute because the onus lies on him to prove that his previous prosecution was indeed malicious. See also the case of TEWAW V. SINGH (1908) 24T.L.R.884. BAYOL V. ALTEMBA (1990)10 NWLR (pt.623) 381.

The claimant must prove certain elements conjunctively to succeed in his claim as stated by the superior courts. See the cases of TARIHU LAIGORO V. ALHAJI JIBRIL GARBA (SUPRA), BALOGUN V. AMUBUIKAHUN (SUPRA). These elements have already been stated, I will not be reproducing them but will take them one after the other.

1. That the defendant acted without reasonable and probable cause.

It is the duty of the claimant to prove that there was no reasonable cause for the prosecution and that the action was instituted for an improper purpose. See case of GARBA V. MAIGORO (1992) 5 NWLR (pt.234) 588.

The supreme court stated that reasonable and probable cause entails the defendant having in his position a reasonable and sane person a set of facts which to an ordinary man will lead to the conclusion that the plaintiff has committed a criminal offence. See case of BALOGUN V. AMBIKAHUN (SUPRA).

I agree with the claimant when he said that the trial judge in his judgment exhibit 'pp9' held that the claimant was mentioned by only one witness(PWI) as being sent by 1st accused person to deliver some

documents in Lagos. The defendants failed in providing any positive evidence to show that the claimant as the 2nd accused had committed a criminal offence.

I am of the opinion that the defendants have not shown to this honorable court that they had reasonable and probable cause to have instituted the criminal prosecution against the claimant.

2. That the prosecution was maliciously instituted. Malice here simply means that the complainant was actuated by an improper motive for prosecution. The court will consider proper motive to be the desire to secure the ends of justice, anything outside of it is malicious.

The defendants joined the claimant alongside the 1st accused in their petition. It can be said that the absence of reasonable and probable cause is in itself sufficient evidence of malice.

3. The plaintiff must prove that the action was started at the instance the defendant who set the law in motion against him leading to criminal charges. See the case of *INNEH Vs. ARUEGBON* (supra). For the claim for malicious prosecution to succeed. A defendant must be actively instrumental in setting the law in motion for the prosecution of the plaintiff. See also the case of *BALOGUN Vs. AMUBIKAHUN* (supra).

That he was prosecuted and criminal prosecution terminated in his favour. Such a termination can be without a conviction being pronounced. A man is deemed to be innocent until he is proved innocent. So what is required is not a judicial determination of his innocence, but merely, absence of judicial determination of his guilt. See the case of *FADEYI & ANOR Vs.*

OWOLABI & ANOR (2014) LPELR. 22475 (CA) where the court of Appeal held that for an action on malicious prosecution to fail, it should be shown that the trial ended in the conviction of the accused.

To buttress further, the termination in favour of the plaintiff may be by discharge and acquittal on technical or substantive grounds. It may be by *nolte prosequi*. All that is required is that a conviction is not served. See also INNEH Vs. ARUEGBON (*supra*).

On the third issue for determination, which is whether or not the claimant's claim for special damages would succeed without establishing the requisite nexus of what he had suffered in concrete terms to justify his claim. I disagree with the learned Defendant's counsel on this issue. The rule that special damages must be proved strictly does not mean that there is a minimum measure of evidence or that there is a laid down special category of evidence required to prove special damages.

What is required is that the claimant should establish his claim by credible evidence that he is entitled to special damages. See the case of ARAHAMBHI V. ADVANCE BEVERAGES INDUSTRIES L.T.D (2005) 19 NWLR (pt 959) 1. VINZ INTERNATIONAL NIG LTD V. MOROHUNDIYA (2009) 11 NWLR (pt 1153) 562.

I agree with the claimant that his prosecution was indeed malicious.

Having resolved all the issues in favour of the claimant against the defendant, the claimant's case succeeds and has merit.

I hold so. It is hereby declared as follows;

1. A declaration that, the defendant set in motion against the plaintiff law leading to the criminal charge No: FCT/HC/CR/69/10 against the plaintiff and the prosecution of the plaintiff.
2. A declaration that, the prosecution of the plaintiff in charge No: FCT/HC /CR/69/10 was completely without reasonable and probable cause and was actuate by the defendant malice against the plaintiff.
3. The sum of ~~₦~~5,000,000 (Five Million Naira) only being general damages.
4. The sum of ~~₦~~1,000,000 (One Million Naira) only, being the cost of defending himself at the trial of the charge and the said appeal.
5. The sum of ~~₦~~500,000 (Five Hundred Thousand Naira) only, as a aggravated or exemplary damages for instigating criminal charges change No: FCT/HC/CR/69/10 against the plaintiff.
6. Substantial cost of this action in the sum of ~~₦~~1,000,000 (One Million Naira) only.

APPEARANCE

Suleiman Yakubu Esq. for the claimant.

Pious Ofulue Esq. holding the brief of Luke Aghanenu Esq.
for the defendant

Sign
Hon. Judge
24/03/2021