

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

SUIT NO: CV/2144/2021

BEFORE HIS LORDSHIP: HON. JUSTICE BABANGIDA HASSAN

BETWEEN

MR. FRANCIS MATHIAS _____ APPLICANT

AND

- | | | |
|--|---|--------------------------|
| 1. NIGERIA POLICE FORCE
2. THE INSPECTOR GENERAL OF POLICE
3. COMMISSIONER OF POLICE, FCT COMMAND | } | _____ RESPONDENTS |
|--|---|--------------------------|

JUDGMENT

This is a Notice of Applicant for an order enforcing fundamental rights of the applicant brought pursuant to Order 14 Rules 4 (a) (b) and (c) of the Fundamental Rights (Enforcement Procedure) Rules 2009, sections 34, 35, 36, 41 and 46 (i) and (2) of the Constitution of the Federal Republic of Nigeria, 1999, Articles 4, 5, 6 and 7 of the African Charter on Human and Peoples' Right (Ratification and Enforcement) Act Cap. A9 LFN, 2004 and under the inherent jurisdiction of this court.

The applicant seeks for the following:

1. A declaration that the actions of the agents of the respondents arresting and detaining the applicant from the 21st of June 2021 to the 29th July, 2021 first at the Divisional Police Station, Gwagwalada and later at the IGP FIB-IRT Facility (former Special Anti-Robbery Squad) Abuja without trial is a violation of the Applicant's rights to liberty and movement as guaranteed under sections 35 and 41 of the

- constitution of the Federal Republic of Nigeria 1999 (as amended) and Articles 6 and 12 of the African Charter on Human and Peoples' Rights Cap A9 LFN 2004 and therefore illegal and unconstitutional.
2. A declaration that the detention of the applicant in the stead of one Theophilus Kadiri who was alleged to have committed an offence of arm robbery is a gross violation of the applicant's fundamental human right to fair hearing enshrined in section 36 of the constitution of the Federal Republic of Nigeria 1999, (as amended) and Articles 7 of the African Charter on Human and Peoples' Rights, Cap. A9 LFN 2004 and therefore illegal and unconstitutional.
 3. A declaration that the actions of the agents of the respondents in arresting and detaining the applicant from the 21st of June, 2021 to the 29th of July, 2021 first at the Division Police Station, Gwagwalada and later at the IGP FIB-IRT facility (former Special Anti-Robbery Squad) Abuja while repeatedly torturing him is a violation of the applicant's right to dignity of his person as guaranteed under sections 34 of the constitution of the Federal Republic of Nigeria 1999 (as amended) and Articles 5 of the African Charter on Human and Peoples' Rights, Cap. A9 LFN, 2004 and therefore illegal and unconstitutional.
 4. A declaration that the actions of the agents of the respondents in denying the applicant access to his counsel while in detention at the IGP FIB-IRT facility (former Special Anti-Robbery Squad) is a violation of the applicant's right to fair hearing as guaranteed under sections 36 of the constitution of the Federal Republic of Nigeria, 1999 (as amended) and Articles 7 of the African Charter on Human and Peoples'

Rights Cap. A9 LFN, 2004 and therefore illegal and unconstitutional.

5. An order of perpetual injunction restraining the 1st and 2nd respondents by themselves, their servants, agents, privies or otherwise or whomsoever from threatening, inviting, intimidating, harassing, arresting and detaining the applicant in the stead of one Theophilus Kadiri who was alleged to have committed an offence of armed robbery or in connection whatsoever with the facts constituting the alleged offence.
6. An order of compensation against the respondents in favour of the applicant jointly and severally in the sum of N100,000,000.00 (One Hundred Million Naira only) for the unlawful, illegal and unconstitutional arrest, detention, harassment and threats to life, dignity, liberty and movement of the applicant.
7. An order directing the respondent to tender a public apology to the applicant to be published in at least two (2) National Daily Newspapers.
8. For such further order(s) as this Honourable Court may deem fit to make in the circumstances.

In compliance with the provisions of the Fundamental Rights (Enforcement Procedure) Rules 2009, the applicant filed a statement in support of the application dated 12th August, 2021 and an affidavit in support of the application dated the 30th August, 2021, and is accompanied by a written address of counsel.

The grounds upon which the application is filed are the same as the reliefs sought.

It is in the affidavit in support of the application that the applicant is a panel beater who is married with four children and he resides at Sabon Gari, Abejokolo, Omala Local

Government of Kogi State and he has his workshop in the same location.

It is stated that sometime in June, 2021, precisely on a Friday morning while he was at home he got a call from his brother, Mr. Kadiri Musa around 7:00am who told him to come and meet him at his shop, that when he got there, he was told by his brother, Mr. Kadiri Musa that his son, Theophilus Kadiri was reported to have been involved in a car accident at Eyame, along Omala Abejukolo road, while coming from Abuja, and that his brother requested that he come with him to the scene of the accident to help with the repair of the car as a panel beater.

It is stated that on getting to the accident scene, he observed that the car was turned upside down and the rim at the back of the wheels was broken and the back windscreen was also shattered and his brother's son was in the company of other villagers. That with the help of others, he was able to turn the car to the upright position after which he straightened the rim at the back and put in a spare tyre. That he collected the car keys from the brother's son in order to tow the car to his workshop where the car was parked.

It is stated that the applicant did not get his eyes on his brother again until about four days later when his brother called him on phone and told him that he (the brother) was sick and had been admitted in the hospital, and he then instructed the applicant to stop working on the car until he (the brother) comes to see him.

It is deposed to the fact that on the 21st June, 2021 while he was at home at about 8:00am, he received a call from a man asking him to come to his workshop as he had a job for him to do. That on arriving there, he met about eight agents of the respondents who accosted him and inquired

from him as to the ownership of the Toyota car parked in front of his workshop, and he told them that the car belongs to his brother's son who had an accident with it. That he was then informed by the respondents that the vehicle was a stolen car and it was traced from Abuja down to Omala, and they (the respondents) insisted that he should take them to his brother's house, and which he did.

It is stated that on getting there, he met his brother taking drugs and he then explained why the respondents were there, and his brother explained to the respondents' agents how the car came about thereafter, and the respondents' agents insisted that he should follow them to the police station, at Abejukolo, Omala Local Government of Kogi State. That on the same day, he was taken to Gwagwalada Police Station at Abuja where he spent a night before being taken to the FCT Command, Abuja and thereafter was taken to Inspector General of Police FIB-IRT facility on the same day.

It is deposed to the fact that the applicant was to see Prof. Agbo Madaki of counsel on the 29th July, 2021 at about 12:00noon in his office at Garki that on the 28th of June, 2021, the said Prof. Agbo Madaki in the company of other lawyers in his office came to the Inspector General of Police FIB-IRT facility (former SARS office) to see him but the agents of the respondents refused to grant them access to him on the premise that they are still investigating the matter. That they went back on the 30th June, 2021 but was still denied access to the applicant and that his friends and relatives were also denied access and one of the agents of the respondents took the sum of N50,000.00 from the brother of the applicant on the false representation that they would have him released.

It is stated that the agents of the respondents demanded that the applicant should pay them N1,500,000.00) (One Million, Five Hundred thousand Naira) so that he would be released from their custody. That he did not commit any crime and was kept in the custody of the respondents unlawfully since the 21st of June, 2021 to the 29th of July, 2021 when he was released. That he was subjected to untold hardship and torture by agents of the respondents while he was in their custody, and that he was kept in detention because of the purported act of his brother's son and was not charged to court of competent jurisdiction for over one month.

It is stated that the applicant has continued to experience periodic bouts of depression and anxiety as a result of the treatment he received in the hands of the agents of the respondents since he was released. That the people in his community now look at him with scorn and suspicion and his customers and patrons have all deserted him as a result of this arrest and detention, and that he is the sole bread winner of his family of six and other dependants.

In his written address, the counsel to the applicant formulated five issues for determination in this application to wit:

- i. **Whether or not the arrest and detention of the applicant at the instance of the respondents from 21st June, to 29th July, 2021 is not unlawful, unconstitutional and a violation of the applicant's right to liberty and movement as guaranteed under sections 35 and 41 of the Constitution of the Federal Republic of Nigeria 1999, as amended and Articles 6 and 12 of the African Charter on Human and Peoples' Right, Cap. A9 LFN, 2004?**

- ii. **Whether or not the arrest and detention of the applicant at the instance of the respondents from 21st June to 29th July, 2021 is not unlawful, unconstitutional and a violation of the applicant's right to fair hearing as guaranteed under section 36 of the Constitution of the Federal Republic of Nigeria 1999, as amended and Article 7 of the African Charter on Human and Peoples' Right, Cap. A9 LFN, 2009?**
- iii. **Whether or not the repeated torturing of the applicant while in custody of the respondents from 21st June to 29th July, 2021 is not unlawful, unconstitutional and a violation of the applicant's dignity of his person as guaranteed under section 34 of the Constitution of the Federal Republic of Nigeria 1999, as amended and Article 5 of the African Charter on Human and peoples' Right, Cap. A9, LFN 2004?**
- iv. **Whether or not in view of the gross violation of the applicant's fundamental human right which are unconstitutional, if the applicant is not entitled to compensation and public apology from the respondents as guaranteed under section 35(6) of the Constitution of the Federal Republic of Nigeria 1999 (as amended)?**
- v. **Whether or not the applicant is not entitled to damages which should be exemplary and punitive from the respondents?**

On the issue No. 1, the counsel submitted that every person is entitled to his personal liberty and shall not be deprived of such liberty save for the instances permitted by law, and relies on section 35(1) of the Constitution and the cases of **Oluwatimilehin V. Kehinde & Anor. (2012) LPELR**

47888, and **Ayakndue & Ors V. Ekprieren & Ors (2012) LPELR 20071 (CA)**, and further relied on Article 6 of the African Charter on Human and People's Right (Ratification and Enforcement) Act. He opined that the expression "liberty of a person" under the provision has been held by the Supreme Court to include both a person whose liberty is directly in danger such as one who is imprisoned or detained and refused bail as well as other persons charged with crimes, and he cited the case of **Mohammed & Anor. V. Olawunmi & Ors (1990) LPELR – 1893 (SC)** to the effect the deprivation of liberty is only permitted within the exceptions listed in section 35 of the constitution, and it also requires that it should be in accordance with the procedure prescribed by law and as such, the arrest and detention of a person must not be arbitrarily made. He further submitted that the arrest and detention of the applicant from the 21st June, to 29th July, 2021 without trial is highly unconstitutional and a deliberate breach of the applicant's right to his liberty and movement, and he reproduced paragraphs 13, 14, 19 and 22 of the affidavit in support.

On the issue No. II, the counsel submitted that it is very clear from the section 36 (6) (a) and (c) of the Constitution, every person charged with a criminal offence shall be informed promptly in a language he understands and in details of the nature of the offence and to defend himself in person or by legal practitioner of his own choice, and he argued that the blatant failure to comply with the said provisions is not a mere oversight but a disregard to the spirit and intendment of the law and as such, a proper arrest cannot be valid and proper in the absence of the law and as such, a proper arrest cannot be valid and proper in the absence of compliance with provisions cited above, and

he cited the case of **Ceekay Traders V. General Motors (1992) 2 NWLR (pt 222) 132** in submitting that the arrest of the applicant without any justification and refusing him access to his counsel is an unconscious arrest and a denial of justice. He further opined that by section 41(2) of the constitution, all persons are equally entitled to the freedom of their movement, and he cited the case of **Okafor V. Lagos State Govt. & Anor. (2016) LPELR-41066 (CA)**.

On the issue No. III, the counsel submitted that the right to freedom from torture is one of the universally recognised human rights which is enshrined in many human rights instruments and protects all individuals from being intentionally subjected to severe physical or psychological distress by or with the approval or acquiescence of government agents acting for a specific purpose, including to inflict punishment or to obtain information, and he cited the provisions of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and he submitted that torture is forbidden under section 34(1) (a) of the constitution and also under Article 5 of the African Charter on Human and Peoples' Rights, and he cited the case of **Ezeadukwa V. Maduka & Anor (1997) LPELR-8062 (CA)**. He also submitted that the applicant was subject to isolation, threats and humiliating arrest by the respondents.

On the issue No. IV, the counsel cited the provisions of section 35(6) of the constitution and opined that it is vain to imagine a right without a remedy because want of right and want of remedy are reciprocal, and he cited the cases of **Dilly V. IGP & Ors (2016) LPELR 41452 (CA)**; **Jide Arulogun V. Commissioner of Police & Ors (2016) LPELR – 40190 (CA)**; and **Ransome-Kuti & Ors V. A.G. Federation & Ors (1985)**

LPELR 2940 (SC). He submitted that the applicant in his deposition has shown that his rights were unlawfully breached by the respondents and it is on this premise that he is entitled to compensation and apology as captured under the reliefs sought before the court.

On the issue No. V, the counsel submitted that in a bid to ensure that justice is manifestly and substantially seen to be done in every given case, judicial decisions have been replete that penalty must follow where there is a breach of the fundamental rights of the applicant, and he cited the case of **Odiong V. Asst. Inspector General of Police (2013) LPELR -20698 (CA)**. He also submitted that the award of damages to compensate the victims of human rights violation must reflect that economic reality in the country, and he cited the cases of **Dilly V. IGP & Ors (supra)** and the case of **Onoguruwa V. Inspector General of Police (1993) NWLR (pt 193) 593**, and on the whole he urged the court to grant the reliefs sought by the applicant.

Now, having summarised the affidavit evidence of the applicant and the submission of his counsel, I formulate the following issues for determination in this application, to wit:

- 1. Whether the applicant's rights were indeed breached by the respondents?**
- 2. Whether the applicant is entitled to the reliefs sought?**

Thus, any person who alleges that any of the fundamental rights provided for in the constitution and to which he is entitled has been, is being or is likely to be infringed may apply to the court for redress. See the case of **Oloruntoba – Oju V. A.G. Federation (2017) All FWLR (pt 874) p. 1967 at 1976, paras B – E**.

It is pertinent to note that, the respondents, inspite of being served with the processes, they could not deem it

appropriate to respond to this application. In essence, they failed to file their counter affidavit in opposition to the application.

The applicant alleged in his application that he was arrested and detained at Gwagwalada Police Station and later at the IGP FIB-IRT facility from the 21st day of June, 2021 to 29th July, 2021 without trial.

It is also alleged that the applicant was tortured repeatedly and this is in violation of his right to dignity of his person, and that he was denied access to his legal practitioner.

The applicant has a bonding duty to prove his case with credible evidence of that his fundamental right was breached; this he has to do by filing an affidavit. See the case of **Asst. Inspector General of Police V. Ezeanya (2016) All FWLR (pt 830) p. 1361 at 1373, paras. A-C** to the effect that the question of the infringement of fundamental rights is largely a question of fact, and to the facts of the matter as disclosed by the affidavits filed are the determining factor on whether the rights of an individual have been eviscerated or otherwise dealt with, in a manner that is contrary to the constitutional and other provisions on the fundamental rights of an individual.

Section 35(1) (c) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides:

“Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law:

(c) for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of him having committed a criminal offence, or to such extent as may be

reasonably necessary to prevent him committing a criminal offence.”

By the above quoted provisions, it can be inferred that though the constitution guarantees to every person the right to his personal liberty, there are instances or circumstances, where such right may be taken away or derogated from, and one of those instances is where he is reasonably suspected of having committed a criminal offence; and therefore the right to personal liberty is not absolute. See the cases of **Akeem V. F.R.N. (2017) All FWLR (pt 872) p. 1522 at pp. 1560 – 1561, paras. G-B.** and **Dokubo Asari V. F.R.N. (2007) All FWLR (pt 375) p. 586.**

It is the complaint of the applicant that the respondents suspected that the Toyota car parked in front of his workshop was a stolen car as it was traced from Abuja to his town Omala in Kogi State, and by this, it could be inferred that there was a reasonable suspicion of the applicant having committed an offence of stealing the car in question, and so the arrest was in order in pursuance of paragraph (c) of subsection (1) of section 35 of the constitution. See also section 32 (1) of the Police Act 2020 which provides:

“(1) A suspect or defendant alleged or charged with committing an offence established by an Act of the National Assembly or under any other law shall be arrested, investigated and tried or dealt with according to provisions of this Act, except otherwise provided under this Act.”

By this, it could be inferred that it is permitted to curtail the liberty of the applicant when he is reasonably suspected of having stole away the vehicle found in his possession, and this is within the context of section 35(1) (c) of the constitution. See also the case of **Aleshe V. F.R.N**

(2018) All FWLR (pt 952) p. 52 at pp. 85 – 87, paras. G-B per Tsanmani JCA. See also Ezeaduka V. Maduka (1997) 8 NWLR (pt 518) 635 at 661, paras. B – D.

Thus, it is the law that when a person is arrested or detained by the police in connection with any allegation of reasonable suspicion of a crime, and they are actively pursuing investigation of the matter, the duty of the police in the appropriate case is to offer bail to the suspect and/or bring him before a court of law within one day or two days as the case may be, no matter under whatever section of the law he might have been charged. See the case of **Asst. Inspector General of Police V. Ezeanya (supra)**. See section 35 (4) of the constitution which provides:

“Any person who arrested or detained in accordance with subsection (1) (c) of this section shall be brought before a court of law within a reasonable time.

More so, section 35(5) of the constitution provides:

“In subsection (4) of this section, the expression” a reasonable time” means:

- (a) In the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometers, a period of one day; and**
- (b) In any other case, a period of two days or such longer period as in the circumstances may be considered by the court to be reasonable.”**

By the above two subsections 4 and 5 of section 35 of the constitution, it can be inferred that even if the liberty of the applicant should be curtail because of the suspicion of him having committed an offence, the detention should be within the reasonable time before he is taking to court, that

is to say, where the distance between the place of arrest and the court is within 40 kilometres, then he shall be taking to the court within a period of one day, or in other cases within two days. In the instant, the applicable portion of the above law is the paragraph (b) of subsection 5 of section 35 of the constitution, this is because from the place of arrest in Omala town of Kogi State to Gwagwalada and to the office of the 2nd respondent is more than 40 kilometers radius, and therefore the applicant should have been brought to the court within two days.

Taking into consideration the averment in the affidavit in support of this application that the respondents detained the applicant from the 21st day of June, 2021 to 29th July, 2021, certainly it was beyond the limit provided by the constitution vis-à-vis section 35 (4) and (5).

Thus, the applicant also predicated his application on section 41 of the constitution in pursuance to his right to freedom of movement, and to my mind, this has been dealt with appropriately in above, this is because the provisions of section 32 of the Nigerian Police Act 2020 and section 35 of the constitution, have by virtue of section 45 of the constitution, been enacted for the protection of the society from criminals. See the case of **The Incorporated Trustees of All Nigerians Automobile Commercial Owners And Workers Association & 4 Ors. V. Lagos State Government & 2 Ors. (2017) All FWLR (pt 870) p. 1115 at pp. 1151 – 1154, paras. F-E per Ikyegh JCA.**

Let me also observe that section 41 under the circumstances of this case is not relevant, rather it is section 35 of the constitution that is so relevant to this case, and to this, I so hold.

Thus, the applicant alleges in his affidavit that he was tortured and was subjected to untold hardship by the

agents of the respondents while he was in their custody, and that he experienced depression and anxiety as a result of the treatment he received in the hands of the agents of the respondents since he was released, and that people in his community have all deserted him as a result of the arrest and detention.

The applicant did not explain in detail as to how he was tortured or subjected to untold hardship by the agents of the respondents when he was in their custody, and he has not also explained how he experienced depression and anxiety as a result of the treatment he received after he was released.

Thus, the importance of an affidavit in support of a Fundamental Right Enforcement Procedure cannot be over-emphasised in that the affidavit must set out facts upon which the application is made. See the case of **Attah V. I.G.P (2015) All FWLR (pt 805) p. 113 at 149, paras. B-C.**

In the instant case, the applicant failed to fully explain in his affidavit as to how he was tortured, this is because, torture includes mental harassment as well as physical assault. See the case of **Ahuruonye V. Ikonne (2015) All FWLR (pt 811) p. 1243 at 1293, para. F.** To my mind, this, his allegation failed, and to this, I therefore so hold.

On the whole, I come to the conclusion that the detention of the applicant from the 21st day of June, to 29th day of July, 2021 in the custody of the respondents without charging him to any court of competent jurisdiction or granting him administrative bail is unlawful and unconstitutional, and the issue No. 2 is resolved in favour of the applicant.

On the issue No. 2, as to whether the applicant is entitled to the relief sought, I already held that the

detention of the applicant is unlawful and unconstitutional, and he is therefore entitled to relief No. 1

Thus, fair hearing involves a fair trial and a fair trial of a case consists of the whole hearing. See the case of **Nwalutu V. N.B.A (2019) All FWLR (pt 997) p. 78 at 99, paras. D-E.**

In the instant case, the applicant did not explain as to how he was denied fair hearing, as what the police were to do was to investigate the allegation of the commission of the crime and not to try the applicant, and to my mind, this is out of context of this application, and to this, I so hold, and the applicant is not entitled to relief No. 2.

Based upon the above finding, the applicant is not entitled to relief No. 3.

Section 36(6) (c) of the constitution provides:

“(6) Every person who is charged with a criminal offence shall be entitled to:

(c) Defend himself in person or by legal practitioners of his own choice.”

By the above quoted provisions, it can be inferred that the section refers to every person who is charged before a court for any criminal offence is entitled to be represented by either himself or by a legal practitioner of his own choice. In the instant case, the police are still pursuing investigation as they are yet to charge the applicant before any court of competent jurisdiction, hence the applicant is also not entitled to the relief No. 4.

Now, it was held by the Court of Appeal, Ilorin Division in the case of **Govt. of Kwara State V. I.B.M. Ltd. (2015) All FWLR (pt 767) p. 794 at pp. 811-813 paras. G-B per Onyemenam JCA** that a court cannot rightly restrain any person or body from the exercise of its lawful duty in accordance with the law. In the instant case, the applicant failed to aver in his affidavit in support that he was

threatened, intimidated, harassed by the respondents. In this ruling also, I have held that the arrest pursuant to section 32 of the Nigeria Police Act 2020 was in order, and the arrest is the same with invitation, and therefore, the personal liberty of the applicant can be curtailed where he is reasonably suspected of having committed any criminal offence in pursuance of the provisions of section 35 (1) (c) of the constitution and therefore, the applicant is not entitled to relief No. 5.

Thus, section 35(6) of the constitution of the Federal Republic of Nigeria, 1999 (as amended) provides:

“(6) Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person; and in this subsection, “the appropriate authority or person” means an authority or person specified by law.”

By the above quoted provisions, it can be inferred to mean that any person who is unlawfully detained is entitled to compensation and public apology. In the instant case, I have held that the situation of the applicant that he was detained from the 21st day of June, to 29th day of July, 2021, without arraigning him before a court of competent jurisdiction, and this assertion has not been challenged as the respondents did not deem it appropriate to file their counter affidavit in spite of their being served with the application, and therefore, the applicant is entitled to the relief No. 6. See the case of **Ahuruonye V. Ikonne (supra)** where the Court of Appeal, Owerri held that by the provisions of section 35(6) of the constitution of the Federal Republic of Nigeria, 1999; in cases involving an infraction of the fundamental rights of a citizen, such damages that will serve as a deterrent against naked, arrogant, arbitrary and

oppressive abuse of power ought to be awarded by the court, but such award must not be excessive. In the instant case, the applicant claims the sum of N100,000,000.00 (One Hundred Million Naira) as compensation. See the case of **Attah V. I.G.P. (supra)** where the Court of Appeal, Lagos Division held that the following factors will be taken into consideration in fixing the amount on the award of damages for the infringement of fundamental rights:

- a. The frequency of the type of violation in recent times;**
- b. The continually depreciating value of the naira;**
- c. The motivation for the violation;**
- d. The status of the applicant;**
- e. The underserved embarrassment meted out to the applicant including preliminary losses; and**
- f. The conduct of the parties generally, particularly the respondent.**

Taking into consideration the factors above, I do not see in the affidavit in support of the applicant that such factors have been taken into consideration as he has not explained that these factors have been taken into consideration. See the case of **Attah V. I.G.P. (supra)** where the court held that where the applicant claims a specific amount (as the applicant claims the sum of N100,000,000.00 in this case), it is for the court to consider the claim, and in its opinion, a justifiable amount that would compensate the victim.

By virtue of section 35 (6) of the 1999 Constitution, the applicant is also entitled to the relief No. 7.

Now, it is hereby declared that the detention of the applicant from the 21st June, 2021 to 29th July, 2021 by the respondents without trial is a violation of the applicant's right to personal liberty under section 35 of the constitution and is therefore unlawful and unconstitutional.

The applicant in his affidavit in support did not state the circumstances which led to the claim of N100,000,000.00 as compensation, I consider it to be too excessive, and in the circumstances and justifiably, the sum of N3,000,000.00 is awarded to the applicant as compensation.

The respondents are hereby ordered to tender a public apology to the applicant in two of the National Daily Newspapers in pursuance of the provisions of section 35 (6) of the constitution of the Federal Republic of Nigeria, 1999 (as amended).

Hon. Judge
Signed
7/4/2022

Appearances:

Isah D. Haruna Esq appeared holding brief of Prof. Agbo J. Madaki Esq, appearing with Mimido P. Anudu Esq, F. Agada Esq and Joys N. Nkem Esq for the applicant.

CT – ACC: Have you taken step to serve the respondents that the judgment is coming up to today?

ACT-CT: No

CT: The matter is re-adjourned to 7th day of April 2022 for judgment. Hearing Notices be served on the respondents accordingly.

Hon. Judge
Signed
8/3/2022

The court resumes sitting with the same membership.

Professor Agbo J. Madaki Esq appearing with A.S. Olowosegun Esq and J.M. Nkem Esq for the claimant.

CC-CT: The defendants have been served with Hearing Notices and the matter is for judgment.