



**IN THE HIGH COURT OF THE FEDERAL CAPITAL M TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT ABUJA**  
**ON 20<sup>TH</sup> DAY OF JUNE, 2022**  
**BEFORE HON.JUSTICE NJIDEKA K. NWOSU-IHEME**  
**SUIT NO:FCT/HC/CV/428/2022**

**IN THE MATTER OF AN APPLICATION BY MRS TINA ILODUBA FOR AN ORDER FOR THE ENFORCEMENT OF HER FUNDAMENTAL HUMAN RIGHTS TO DIGNITY OF HUMAN PERSON, PERSONAL LIBERTY AND FREEDOM OF MOVEMENT AS ENTRENCHED IN SECTIONS 34, 35, 41 AND 46 OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED).**

**BETWEEN:**

**MRS TINA ILODUBA.**

**APPLICANT**

**AND**

**1. INSPECTOR GENERAL OF POLICE**

**2. SUPOL KABIRU**

**RESPONDENTS**

**3. MR CAJETAN NNUBIA**

**JUDGMENT**

The applicant commenced this action on 11/2/2022 vide Originating Motion for the enforcement of her fundamental rights. In support thereof are: [i] Statement setting out the name and description of the applicant, the reliefs sought and the grounds for the application; [ii] the applicant's 11-paragraph affidavit and; [iii] written address of Prosper Ukachukwu Esq

The applicant seeks the following reliefs against the respondents:

- 1) **A DECLARATION THAT** the arrest, detention, threat to humiliate, further attempt to arrest and curtailing the freedom of movement of the Applicant is wrongful, unlawful and unconstitutional as same constitute breach of the Fundamental Right of the Applicant to the dignity of her person.
- 2) **A DECLARATION THAT** the arrest, detention, further attempt to arrest and curtailing the freedom of movement of the Applicant at the behest of the 3rd Respondent amounts to a gross violation of the Applicant's right to personal liberty and her right to freedom of movement.
- 3) **A DECLARATION THAT** the fact and circumstances giving rise to this suit is purely a contractual agreement between the late husband of the Applicant and the 3rd Respondent and as such civil in nature.
- 4) **A DECLARATION THAT** the statutory duties of the 1st and 2nd Respondents do not include delving into purely civil matters.
- 5) **AN ORDER OF PERPETUAL INJUNCTION** restraining the Respondents whether by themselves, agents, privies or servants from violating the right of the Applicant to the dignity of her person, as well as restraining them from arresting, detaining and curtailing the freedom of movement of the Applicant and her right to personal liberty on this subject matter.
- 6) **AN ORDER** for the sum of **N50,000,000 (FIFTY MILLION NAIRA ONLY)** as General Damages against the Respondents jointly and severally for the financial, emotional and psychological trauma suffered by the Applicant as a result of fear, humiliation and threat caused her by the respondents.
- 7) **AN ORDER** of this Honourable Court mandating the Respondents to tender a public apology, to be published in two dailies, in favour of the Applicant by the Respondents.
- 8) **ANY OTHER ORDER OR FURTHER ORDERS** as the Honourable Court may deem fit and proper to make in the circumstance.

In opposing the Originating Motion, Cajetan Nnubia, the 3rd respondent, filed a counter affidavit of 12 paragraphs on 25/4/2022; attached therewith are Exhibits CN 1, 2, 3, 4 & 5. U. S. EZEADILIEJE Esq. filed a written address with the counter affidavit. At the hearing of the Originating Motion on 01/06/2022, the Applicants reply on points of law was having been withdrawn was accordingly struck out. The 3rd Respondents preliminary objection was equally withdrawn hence, same was struck out. The learned counsel for the parties adopted their respective processes.

In her affidavit in support of the Originating Motion, the applicant stated amongst others:

1. That she received a call from the 2nd Respondent early in the year that a complaint had been lodged against her by the 3rd Respondent for her to report to the Intelligence Response Team Office attached to the Inspector General's office on the 27/01/2022.
2. That it was the 3rd Respondent a former trainee of her late husband who went to the extent of harassing her with the officers of the Intelligent Response Team a department known to handle serious criminal offences in the society.
3. That she reported at the station where she was arrested and interrogated for many hours by the 3rd Respondent and his men.
4. That she was eventually released after a rigorous interrogation and threatened to be rearrested if she failed to surrender the shop to the 3rd Respondent.
5. That it was after the death of her husband on the 09/04/2021, the 3rd respondent vowed to make life unbearable for her and her 6 children.
6. That her late husband was the Chairman of Zuba Old Motor Spare Parts Market for over 40 years and she was arrested on the allegation that she knew that her late husband was seriously ill for a very long time before he died borrowed a total sum of N600,000 from the 3rd Respondent with the promise of giving him a shop at the Old Motor Spare Parts Market in Zuba FCT, Abuja.
7. That this allegation was unfounded because her husband was too ill to transact any form of business or borrow money from the 3rd respondent.
8. That the 3rd Respondent brandished a piece of paper at the IRT office which he claimed was a receipt issued by her late husband and which was co-signed by her first son when he borrowed the said N600,000 from the 3rd Respondent.
9. That the 3rd Respondent wants a repayment of the said N600,000 with a shop which is sold at the cost of N6,000,000 at the Old Market Spare Parts Market Zuba, Abuja.
10. That she was threatened and forced to sign a document at the IRT office to hand over the shop to the 3rd respondent or risk further arrest and detention at the IRT office
10. That sometime last year the elders of their Community intervened and invited both herself and the 3rd Respondent for an amicable settlement of the issue between both families whereupon the 3rd Respondent was advised to leave her and her children to mourn her husband and their father for one whole year before raising the issue of indebtedness of the sum of N600,000.
11. That the Respondent did not take the advice of the leaders of Ithemposi Community and vowed to make life unbearable for her by his constant threats of using police on her family.
12. That she now lives in fear of being arrested and detained by the 1st and 2nd respondents who are working to please the 3rd respondent.

13. That the 3rd Respondent is using his connection with the men of the IRT the 1st and 2nd Respondents herein to continue to harass her because her husband is late.
14. That her Fundamental Rights have been breached by her continued invitation to the Police IRT Office and threat of arrest by the Police IRT Office on the instruction of the 3rd Respondent without charge.
15. That the 1st and 2nd Respondents are not debt collectors or debt recovery agencies neither are its officers employed to recover debts.

In the counter affidavit of the 3rd respondents, Cajetan Nnubia stated that:

1. That the Affidavit in support of the Applicants motion is false and does not represent the actual state of facts.
2. That paragraph 2 of the Applicant's Affidavit is true to the extent that, 3rd Respondent actually filed a petition against Mr Ikechukwu Iloduba, Applicant and others dated 16th day of December, 2021 to the 1st Respondent in this suit on allegation of CRIMINAL CONSPIRACY, CHEATING, FORGERY, CRIMINAL BREACH OF TRUST AND MISCHIEF, which 2nd Respondent actually commenced an investigation. Petition was attached as Exhibit C N 1.
3. The Applicants Late Husband never trained him, he last met with the Applicants Late husband on the 10/04/2021 very healthy in his residence at his hometown in Ihemboji, Anambra State in the company of Mr. Azubuike his friend for a transaction of buying a Shop B2/2 Old Motor Spare Parts Zuba, Abuja from him.
4. The Applicants Late Husband called him through his son Mr. Ikechukwu Iloduba and while they were negotiating the selling price of Shop B2/2 Old Motor Spare Parts Zuba, Abuja, the Applicant and her two (2) sons witnessed all the discussion and at end of the discussion the Applicants late husband instructed Mr. Ikechukwu Iloduba to draft a handwritten agreement between the Applicant Late Husband and the 3rd Respondent after resolving selling price of Shop B2/2 Old Motor Spare Parts Zuba, Abuja and his son Mr. Ikechukwu Iloduba signed witness for his late father thereafter, Copy of the said agreement was attached as EXHIBITS C N 3.
5. That it was not a transaction of borrowing money between himself and the Applicants late husband. Rather, the Applicants Late Husband told him that he wanted to renovate his house in the village and that's why he needed to sell one shop as he had many. The agreement was for the total sum of # 600,000.00 (six hundred thousand naira) only, to the Applicant Late Husband in two installments first #300,000 (three hundred thousand naira) only,

through online transfer on the 10/04/2021 immediately after signing the Agreement and last on the 11/04/2021 on the promise to hand over the original documents to him once he returned back to Abuja, the evidence of payment is attached as EXHIBITS C N 4.

6. The Ihembosi Community set up a panel headed by Mr. Humphrey Nwosu to resolve the issue on the Estate of the Applicants Late Husband even though the applicant dishonored their invitation till date
7. The Applicant sometime on 10/11/2021 conspired amongst themselves to resort to self-help on no issue, to double lock-up shop B2/2 Old Motor Spare Parts Zuba Abuja in possession of the 3rd respondent through a forged court order pasted at the entrance door of his shop, photograph of the forged caveat emptor attached as Exhibit C N 5.
8. That upon enquiry in F.C.T High Zuba judicial division he found out that such order never existed, but was forged to scare him away and intimidate him.

In the applicant's written address, Prosper Ukachukwu Esq. submitted two issues for determination, to wit;

- 1. Whether the 1<sup>st</sup> and 2<sup>nd</sup> Respondents acted Ultra vires of their power and breached the fundamental human rights of the applicant by inviting, arresting, detaining and further threat**
- 2. Whether the applicant is entitled to all the reliefs sought?**

For his part, U. S. EZEADILIEJE Esq. posed one issue for determination in the 3rd respondents' written address, which is:

***Whether, upon the materials supplied by the Applicant, the Applicant has made out a strong enough case to warrant this Honourable Court granting the Application.***

From the affidavit evidence of the parties and the submissions of the learned counsel, the Court will determine this Application on the following issue, which is:

***Whether the application for enforcement of the applicant's fundamental rights is meritorious as to entitle her to the reliefs sought.***

## **SUBMISSIONS OF LEARNED COUNSEL FOR THE APPLICANT:**

On Issue 1, Counsel to the Applicant submitted that that the invitation, arrest, detention and threat to further arrest and humiliate the Applicant is ultra vires the powers of the 1st and 2nd Respondents under the Police Act 2004 and is an outright abuse, breach and infringement of the fundamental Human Rights of the Applicant.

Prosper Ukachukwu relied on the provision of Section 34 of the 1999 Constitution (as Amended) to the effect that the Applicant is entitled to right to dignity of human person. We refer this Honorable Court to **OKONKWO V. EZEONU & ORS. (2017) LLER/55E/12 CA.**

Counsel submitted that Applicant is entitled to right to personal liberty under Section 35 of the 1999 Constitution (as Amended). Relying on the Court of Appeal decision in **OZURUMBA V. EFCC 2019 LLER/406L/18 CA** wherein it was held that unlawful arrest irrespective of the time that the applicant was released constitutes infringement to fundamental right to personal liberty.

Prosper Ukachukwu posited that by the provisions of Section 46 of the aforementioned Constitution, these rights become enforceable once the rights have been breached, are being breached, or there is likelihood of breaching any of them. That the 3rd Respondent will be liable for a mala fide report and complaint set by him which led to the arrest of the Applicant and thereby infringed the fundamental human right of the Applicant. Relying on **RITE FOODS LID & ANORS V. ADEDEJI & ANORS. 2019 LLER/6261/17 CA**

Counsel further argued that the Police do not have power or right to delve into contractual or civil litigations or settling civil disputes for the parties. Relying on **GAUL IHENACHO & ANORS V NIGERIA POLICE FORCE & ANORS (2017) 12 NWLR PART 1580 PAGE 424 AT 429 RATIO 5 and ARAB CONTRACTORS (O.A.O) NIG LTD. V. GILLIAN UMANAH (2013).**

Applicant Counsel argued that he has a right to protect a right that is likely to be breached under Section 46 of the Constitution as amended. Relying on **AFRIBANK NIG PLC V. ADIGUN 2009 LLER/46AK/02 CA, IGWE & ORS V. EZEANOCHIE 2009 LER/98B/06 CA**

On Issue 2, the Applicant Counsel argued that Applicant is entitled to all the reliefs sought on the motion paper. Relying on the Court of Appeal decision in **ASUQUO V.**

**SECTOR COMMANDER FRSC 2019 LLER/93C/13 CA** held that *"declaratory and other reliefs can be sought and obtained to enforce and protect fundamental rights in a High Court"*. The actions of the Respondents constitute illegality **DIRECTOR, S.S.S V.AGBAKOBA 1999 LLER/5/99 SC.** the Court of appeal in **HERITAGE BANK V. S & S WIRELESS LID & ORS 2018LLER/871L/11 CA** held *that once there is an abuse or breach of fundamental human right, damages must be awarded by Court.*

The Applicant Counsel argued that the Applicant has established that she has inalienable rights to personal liberty, human dignity and freedom of movement under Chapter 4 of 1999 Constitution. And that the right becomes enforceable upon being breached or likely to be breached by the Respondent. Her guaranteed rights were breached and she stands the risk of further breach by the respondents jointly and severally. The Applicants case is that she was arrested, interrogated, detained and threatened with further arrest if she failed to surrender the only shop the late husband kept for the family on a matter not constituting crime in anyway. Therefore, the 1st and 2nd Respondents went ultra vires of their statutory powers

#### **SUBMISSIONS OF LEARNED COUNSEL FOR 3RD RESPONDENTS:**

U.S.EZEADILIEJE Esq. argued that the Applicant is misleading court as there is an ongoing criminal investigation against the Applicant, two (2) of her sons and many others, on allegations of **CRIMINAL CONSPIRACY, CHEATING, FORGERY CRIMINAL BREACH OF TRUST AND MISCHIEF** see paragraph 4 of 3rd Respondent/Applicant Counter Affidavit. The 3rd respondent Counter Affidavit paragraph 7(A-J) placed material facts before this Court to show that the Applicant indeed was the person that committed a crime along with others that is under investigation based on the 3rd respondents complaint to 1st and 2nd respondents. The Applicant rushed to Court, to use this judicial process to cause confusion, cover and truncate the ongoing investigation by 1st and 2nd Respondents. Worse still the Applicant/Respondent have told deliberate falsehood in their Supporting Affidavit more specifically paragraphs 3, 6 (a-g). That the Applicant by her supporting affidavit has lied on oath thereby perverting the course of justice. It is settled law that in an application of this nature sought by the Applicant who is seeking the court's equitable discretion must come to court with clean hands otherwise the Application will be refused. See **ALL STATES TRUST BANK Vs. NSOFOR (2004) ALL FWLR (Pt.201)1719 C.A.** and **ADEFARITI Vs. GOVERNOR OF ONDO STATE(2006)ALL FWLR (Pt. 302) 54 C.A.** the Applicant has not established a case with regards any annexure for the grant of the Application and we urge the Court to dismiss the applicant's application without much ado.

## **DECISION OF THE COURT:**

The applicant seeks to enforce her fundamental rights under **sections 34[1],35[1] and 41[1] and 46 of the 1999 Constitution [as amended]**.

**Section 34 [1]** provides that: *"Every individual is entitled to respect for the dignity of his person ..."***Section 35[1] of the 1999 Constitution [as amended] provides:deprived of such liberty save in the following cases and in accordance with a procedure permitted by law".**

The procedure permitted by law are stated in section 35[1][a]-[f] thereof.

***Section 41[1] of the 1999 Constitution [as amended] reads:***

***Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom.***

**Section 46 of the 1999 Constitution as amended reads;**

**"46(1) Any person who alleged that any of the provisions of this redress."**

The 1st to 2nd Respondents did not appear before this court neither did they file any processes in response to the Originating Motion and Further Affidavit of the Applicant. In the circumstance of this case, where the 1st and 2nd Respondents failed and neglected to file any counter process in opposition to the evidence adduced by the Applicant, the case of the Applicant remains unchallenged, uncontroverted and not rebuttable. See the case of: **ASAFA SEA FOOD V.ALRAINE [NIG] LTD [2002] NWLR [PT.781]353**

Where evidence is uncontroverted, the onus of proof is satisfied on a minimal proof since there is nothing on the other side of the scale see **BURAIMOH V BAMGBOSE (1989) 2 NWLR (PT 109) 352.**

In **CHIEF MAURICE UDO IDUNG & ANOR v. THE COMMISSIONER OF POLICE & ORS (2017) LPELR-42333(CA)**



***"It is well known in law that failure of a party to challenge or controvert depositions in affidavit of his opponent by filing a counter-affidavit, reply or further and better affidavit is deemed to have accepted the facts deposed in the affidavit. AYOOLA VS BARUWA (1999) 11 NWLR (PT. 628) 595; COMPTROLLER, NIGERIA PRISON SERVICE V ADEKANYE (1999) 10 NWLR (PT.623) 400 When an affidavit is unchallenged, the trial Court is at liberty to accept it as true and correct." Per ADAH ,JCA (Pp. 22-23, paras. E-A)***

However, this court before it arrives at its decision must still consider the evidence of the Applicant irrespective of the fact that the Respondent failed to file his defence to the Originating Motion. The burden still rests on the Applicant to prove his case even though the requirement is minimal proof. The law is that a plaintiff must establish the case he put forward by credible evidence. He must satisfy the court by the evidence called by him. see **OGOLO V FUBARA (2003) 5 SC 41.**

A plaintiff must succeed upon the strength of his case and not on the weakness of the defence, although he is entitled to rely on evidence revealed in such weakness to strengthen his case. See **OTUNBA ABDULLATEEF OWOYEMI V PRINCE OLADELE ADEKOYA 2013 12 SCNJ 131.**

The case of the Applicant as gleaned from the Affidavit in support of the Application Paragraph 6 c-g is that she received a call from the 2nd Respondent early in the year that a complaint had been lodged against her by the 3rd Respondent for her to report to the Intelligence Response Team Office attached to the Inspector General's office on the 27/01/2022. That she reported at the station where she was arrested and interrogated for many hours by the 3rd Respondent and his men. That she was eventually released after a rigorous interrogation and threatened to be rearrested if she failed to surrender the shop to the 3rd Respondent.

The case of the 3rd Respondent from paragraphs 4, 6a-j of the Counter Affidavit in opposition to the Applicants motion wherein he indeed admitted to having petitioned the Applicant, her deceased husband and 2 sons via his lawyer as Exhibit CN1 upon which the 1st and 2nd Respondents invited the Applicant. His story is that the Respondent met with the Applicants Late husband on the 10/04/2021 in his hometown in Ihemposi, Anambra State in the company of Mr.Azubuike his friend for a transaction of buying Shop B2/2 Old Motor Spare Parts Zuba, Abuja from him. The Applicants Late Husband called him through his son and while they negotiated the selling price of Shop B2/2 Old Motor Spare Parts Zuba, Abuja, the Applicant and her

two (2) sons witnessed all the discussion and at end of the discussion the Applicants late husband instructed MR. IKECHUKWU ILODUBA to draft a handwritten agreement between the Applicant Late Husband and the 3rd Respondent after resolving selling price of Shop B2/2 Old Motor Spare Parts Zuba, Abuja and his son MrIkechukwuIloduba signed witness for his late father thereafter, Copy of the said agreement is EXHIBITS C N 3.

The question this court must answer is whether the transaction is civil or criminal warranting the involvement of the 1st and 2nd Respondents.

The Applicants account of events is that her husband borrowed money from the Respondent. The 3rd Respondent on the other hand claims that they actually paid for a Shop B2/2 Old Motor Spare Parts Zuba, Abuja, from the Applicants deceased husband and the Applicant and her 2 sons witnessed the transaction.

The question is whether there is a criminal element to warrant the 1st and 2nd Respondents relying on the petition Exhibit CN1 to commence an investigation which resulted in the arrest of the Applicant. The dispute is one borne out of a civil transaction over a shop. Parties are in disagreement as Applicant claims 3rd Respondent lent her husband money while the 3rd Respondent claims he was sold the property and is yet to be given the original documents to the shop or handed over the shop. Whichever way the answer goes, this is clearly a civil transaction which does not warrant the involvement of the police the duty of 1st and 2nd Respondents was to refer parties to civil court.

The law frowns at the involvement of the police in civil matters. **THEOPHILUS KURE v. COMMISSIONER OF POLICE (2020) LPELR-49378(SC) Per KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN, JSC (Pp. 28-29, para. B-B)**

***"The crux of this appeal is whether the facts narrated above gave rise to a civil claim or whether the commission of criminal offences was disclosed. My learned brother has given a thorough consideration of this issue in the lead judgment. I am in complete agreement with him that what the facts disclose is a civil complaint of breach of contract. The sum of N3.5m was paid to the appellant in furtherance of the contract between the parties. The failure to deliver the calf giraffe meant that the consideration for the contract wholly failed. The remedy of the nominal complainant was in a civil suit for damages for***

***breach of contract or for an order for specific performance, It was the duty of the Police to advise her accordingly and to decline to proceed with the complaint.***

The role of the Police is clearly spelt out in **Section 4 of the Police Act Cap. P19 Laws of the Federation of Nigeria 2004**, to wit:

***"4. The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged..."***

As stated earlier, the complaint was purely civil with no element of criminality. The police ought to have referred the appellant to the Court to pursue a civil claim.

In **ALHAJI ADAM HAROUN MUSA & ORS v. ALHAJI ANNUR ADAM & ANOR (2021) LPELR-56151(CA) (PP. 37-39 PARAS. F-F)**;

***"The duty of the Police is sacred and therefore members of the Police Force must be conscious of this duty and therefore, be responsible in carrying out their duty. The Police should not be used by influential people in society to be used as a channel of oppression to the poor. The Police Force should resist such hiring by the public. They are not just carrying out a sacred duty but it is a divine duty that every member of the Police Force should be proud of. It will amount to a disgrace for the Police to allow itself to be used for personal vendetta. The civilized Police Force will not allow itself to be used outside its line of duty.***

The Police should at all times confine itself to the Constitutional and statutory duty of the prevention of crime. I make bold to say that the Police has no business getting involved in civil cases or dispute. This is to be left for the civil Court. Indeed, the Police's duty does not include the settlement of civil disputes. See **Na Allah vs KofarKade (Nig) Ltd (2020) LPELR-49598 (CA)**. In **Kure vs C.O.P. (2020) LPELR-49378 (SC)**, the Apex Court drove home the above point in these words;

***"The point I am laboring to make is that, the Police should never allow itself to be dragged into civil dispute..."***

The duty of the police is to prevent, detect, apprehend offenders, preserve law and order, protect life and property this duty does not charge them to delve into civil disputes and I so hold.

It is curious that after the questioning of the Applicant the police did not charge her to court but resorted to further calls and threats to arrest her thus leaving her to live in fear of future arrests. This is in violation of her rights as enshrined under Section 46 of the constitution of the FRN.

Having established that this is a purely civil matter, the issue before me is whether the Applicant is entitled to the reliefs sought and I find for the Applicant.

The 3rd Respondent via his Exhibit CN1 did instigate the 1st and 2nd respondents to investigate and in the process arrest, detain the Applicant over the shop.

Paragraph 4 of the Counter Affidavit states;

"That paragraph 2 of the Applicants Affidavit is true to the extent that, I actually filed a petition against the **MR IKECHUKWU ILODUBA**, Applicant and others dated 16th day of December, 2021 to the 1st Respondent in this suit on allegation of CRIMINAL CONSPIRACY, CHEATING, FORGERY, CRIMINAL BREACH OF TRUST AND MISCHIEF, which 2nd Respondent actually commenced an investigation thereafter, cIn the Appellate decision of **NAIGE V. AHAMAD & ANOR (2019) LPELR-48136(CA) (PP. 37 PARAS. C)** It is settled law, generally that, a fact admitted needs no further proof. This is elementary as captured in Section 123 of the Evidence Act. Except where specific proof is required or as may otherwise be ordered by the Court, facts admitted require no further proof."

The admission of the 3rd Respondent that he filed a petition which was followed up by the police which amounted to the arrest and questioning and continued threat of arrest of the Applicant needs no further proof. As counsel to the 3rd Respondent had argued that the Applicant had not brought any annexure to warrant the grant of her Application. The fact that Respondent has even admitted to the facts surrounding the arrest and detention of the Applicant by the 1st and 3rd Respondent as instigated by his complaint lays the matter to rest. The Applicant needs no further evidence to strengthen her case.

The counsel to the respondent had argued that the Applicant by her supporting Affidavit lied on Oath thus perverting the course of justice and he who is seeking the

court's equitable discretion must come to court with clean hands otherwise the Application will be refused. Relying on the case of **ALL STATES TRUST BANK Vs. NSOFOR (2004) All FWLR (Pt.201)1719C.A. and ADEFARITI Vs. GOVERNOR OF ONDO STATE (2006) ALL FWLR (Pt. 302) 54 C.A.** The Respondent was unable to prove this assertion from the evidence adduced which I have painstakingly gone through and it is trite law he who asserts must prove his assertion. See **Nsefik v. Muna [2007]LPELR-3934 [CA].**

The 3rd Respondent relied on Exhibit CN3 a statement of account however there is no connecting/linking the figures in the exhibit to the case of the 3rd Respondent.opy of the said petition is hereby attached and marked as Exhibit C N 1."

In **AGBARAKWE V UNIVERSITY PRESS PLC (2015) LPELR-25613(CA) (PP.30 PARAS. B)**


***"Parties cannot dump exhibits in the Court and expect the Court to untie the bundle and tie the relevant exhibit(s) to the evidence for them. See the case of ALBIA TRADING GMBH ANOR VS MADUNKA INTL. LTD.ANOR 2013 LPELR 22312 (CA) "The law is trite that:....A party relying on documents in proving his case must relate such documents to the specific areas of his case in respect of which the document is being tendered in support...there must be link between the document and the specific areas of the case of a party.The Court cannot assume the duty of tying each bundle when the party has not himself done so." Audu Vs INEC No.2(2010) 13 NWLR (Pt.1212) 456 at 520."***

The 3rd respondent cannot dump an exhibit on this court and expect it to dig through hunting for an answer without relating same to his case and I so hold.

This court finds in favour of the Applicant and grants the following reliefs in part;

1. I declare that the arrest, detention, threat to humiliate, further attempt to arrest and curtailing the freedom of movement of the Applicant is wrongful, unlawful and unconstitutional as same constitutes breach of the Fundamental Right of the Applicant to the dignity of her person.
2. I declare that the arrest, detention, further attempt to arrest and curtailing the freedom of movement of the Applicant at the behest of the 3rd Respondent amounts to a gross violation of the Applicant's right to personal liberty and her right to freedom of movement.

3. I declare that this suit is purely a contractual agreement between the late husband of the Applicant and the 3rd Respondent and as such civil in nature.
4. I declare that the statutory duties of the 1st and 2nd Respondents do not include delving into purely civil matters.
5. I order INJUNCTION restraining the Respondents whether by themselves, agents, privies or servants from violating the right of the Applicant to the dignity of her person, as well as restraining them from arresting, detaining and curtailing the freedom of movement of the Applicant and her right to personal liberty on this subject matter.
6. I award the sum of N1,000,000 (one million naira only) as General Damages against the 3rd Respondents for the financial, emotional and psychological trauma suffered by the Applicant as a result of fear, humiliation and threat caused her by the respondents.
7. AN ORDER of this Honourable Court mandating the Respondents to tender a public apology, to be published in two dailies, in favour of the Applicant by the Respondents is refused



HON. JUSTICE NJIDEKA K. NWOSU-IHEME

[JUDGE]

Appearance of Counsel:

1. For the Applicant
2. U.S. Ezeadilieje for the 3rd Respondent.