IN THE HIGH COURT OF JUSTICE OF THE F.C.T.
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO, ABUJA
ON THURSDAY, THE 16TH DAY OF FEBRUARY, 2023
BEFORE HIS LORDSHIP: HON. JUSTICE ABUBAKAR HUSSAINI MUSA
JUDGE

SUIT NO.: FCT/HC/M/6207/2021

BETWEEN:

BENEDICT OGENYI — **APPLICANT**

AND

1. **COMMISSIONER OF POLICE, FCT** — **1ST RESPONDENT**
2. **THE REGISTRAR, CHIEF MAGISTRATE COURT OF THE FCT HOLDEN AT LIFE CAMP, FCT, ABUJA** — **2ND RESPONDENT**
3. **SUNDAY OLUBAYO** — **3RD RESPONDENT**

JUDGMENT

This Judgment is on the application for judicial review which the Applicant brought to this Court by virtue of an Originating Motion on Notice dated and filed the 27th of September, 2021. In the Motion on Notice, the Applicant seeks the following reliefs from this Court:-

1. *An Order quashing the FIR filed by the Complainant on the 19th day of November, 2015 in Case No. CR/32/2018 before His Worship Hon. Sharon Tanko Ishaya sitting at the Chief Magistrate Court of the Federal Capital Territory (FCT), holden at Life Camp and all proceedings leading to the Judgment delivered on the 26th day of January, 2021 and the Charge framed*

thereto to the FCT High Court for the purpose of quashing same as the Chief Magistrate Court lacks the jurisdiction to hear and determine matters brought by an FIR signed by an unknown person.

2. *An Order quashing the Ruling delivered on the 26th January, 2021 in Case No. CR/32/2018 before His Worship Hon. Sharon Tanko Ishaya sitting at the Chief Magistrate Court of the Federal Capital Territory (FCT), holden at Life Camp wherein the Court held that the signature by CSP on the FIR, an unknown person satisfies the requirement of section 110 of the Administration of Criminal Justice Act (ACJA) 2015 as same was made without jurisdiction.*
3. *An Order quashing the FIR filed by the Complainant on the 19th day of November, 2015 in Case No. CR/32/2018 before His Worship Hon. Sharon Tanko Ishaya sitting at the Chief Magistrate Court of the Federal Capital Territory (FCT) holden at Life Camp due to the several errors of law and contradictions apparent on the face of the record of proceedings and the Charge framed thereto which has led to grave miscarriage of justice.*
4. *An Order setting aside the decision of His Worship Hon. Sharon Tanko Ishaya sitting at the Chief Magistrate Court of the Federal Capital Territory (FCT) holden at Life Camp directing the Applicant to enter his defence for the offence of cheating.*
5. *And for such further order or others as the Honourable Court may deem fit and just to make in the circumstances of this application.*

In support of the application, the Applicant filed the accompanying originating processes as stipulated by the Rules of this Court. These are the statement in support of the application which contains the reliefs and the grounds for the reliefs, a five-page paragraph affidavit to which are annexed three exhibits, a verifying affidavit and a written address in support of the application.

The 1st and 2nd Respondents neither appeared in Court nor were they represented by Counsel. The 3rd Respondent, however, did file a Notice of Preliminary Objection dated the 10th of October but filed on the 10thof November, 2021. This Notice of Preliminary Objection was, however, dismissed on the 16th of June, 2022 for want of diligent prosecution.Other than the Notice of Preliminary Objection which this Court dismissed, the 3rd Respondent did not file any process in opposition to the application of the Applicant. This left the suit of the Applicant unchallenged. On the 23rd of November, 2022, Counsel for the Applicant adopted the processes of the Applicant and urged the Court to grant the reliefs sought in the originating process.

In the affidavit in support of the application, the deponent, one Comfort Ade who is the litigation officer in the law firm representing the Applicant, swore that the First Information Report (FIR) which initiated the criminal case against the Applicant at the Magistrate Court was not signed by a person known to law, adding that in spite of his objection to the anomaly, the Magistrate Court ruled against his objection.

The deponent further stated that though the Magistrate found that the evidence presented by the prosecution disclosed a *prima facie* case of cheating, the Court proceeded to frame a charge of fraud against the Applicant. She stated that the ruling of the Magistrate Court did not evaluate the evidence of PW1 when it decided to frame the charge, adding that the Magistrate Court exceeded its jurisdiction in the process.

In the written address in support of the application, learned Counsel for the Applicant formulated a sole issue for determination, which is: "*Whether the Applicant has complied with Order 44 (3) of the High Court of Federal Capital*

Territory (Civil Procedure) Rules 2009 (sic) *to entitle him to leave to apply for judicial review as sought*."

In his argument on this sole issue, Counsel submitted that the Applicant has complied with the provisions of the Rules of this Court and the conditions and requirements for suits of this nature. He drew the attention of the Court to the fact that the suit of the Applicant was founded on lack of jurisdiction, excess of jurisdiction, errors of law, contradictions and inconsistencies on the face of the record of proceedings. He cited the provisions of section 321 of the Penal Code and the case of ***Uzoagba v. C.O.P. (2013) All FWLR (Pt. 685) 337 at 347, paras E – G*** to support his case that the Court erred when, after it found that the prosecution had not established the offence of cheating, went on to arraign the Applicant for the offence of fraud.

Counsel further contended that the First Information Report upon which the Applicant was being tried was incompetent as same was not signed by a person known to law. He cited the cases of ***SLB Consortium Ltd. V. NNPC (2011) 9 NWLR (Pt. 1252) 317 at 337 – 338, paras D – F and Nasiru Garba Dantiye v Ibrahim Yusua'u Kanya & Anor (2009) 4 NWLR (Pt. 1130) 13 at 39, para D – H*** in this regard. It was the case of the Applicant that since the First Information Report which purported to initiate the criminal proceeding was defective, the criminal proceeding and everything founded on it were a nullity and should not be allowed to stand. He referred this Court to ***McFoy v. UAC (1961) All ER 1169***. In conclusion, therefore, he urged this Court to grant the reliefs sought in this application.

The above is the case of the Applicant. I have distilled two issues for determination in this case. These are: "***(1) Whether the Applicant has not satisfied the***

requirements of the law in the institution of this suit to be entitled to the reliefs sought in this application? (2) Whether this Court is not correct to act on the unchallenged evidence of the Applicant in arriving at its decision herein?"

The *terminus a quo* in determining Issue 1 is to examine the provisions of the Rules of this Court which provides for judicial review and the nature of claims that are best suited to judicial review. Order 44 Rule 1 and 2 of the High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules, 2018 provides thus:-

> ***(1) An application for:***
>
> ***(a) An order of mandamus, prohibition or certiorari; or***
>
> ***(b) An injunction restraining a person from acting in any office in which he is not entitled to act shall be made by way of an application for judicial review in accordance with the provisions of this Order.***
>
> ***(2) An application for a declaration or an injunction (not being an injunction in rule (1)(b) of this Rule) may be made by way of an application for judicial review and the court may grant the declaration or injunction if it deems it just and convenient, having regard to:***
>
> ***(a) The nature of the matters which relief may be granted by way of an order of mandamus, prohibition or certiorari;***
>
> ***(b) The nature of the person and bodies against whom relief may be granted by way of such an order;***
>
> **(c)** ***All the circumstances of the case.***

The Applicant in this suit seeks an Order of this Court quashing the First Information Report which purported to initiate the criminal case with Case No.

CR/32/2018 on the grounds that it was not signed by a person known to law and that it contained "*several errors of law and contradictions on the face of the record of proceedings and the charge framed thereto*"; an Order quashing the ruling delivered on the 26th January, 2021 by the Chief Magistrate Court of the Federal Capital Territory, Abuja sitting at Life Camp *coram* His Worship Sharon Tanko Ishaya upholding the validity of the improperly signed First Information Report and an Order setting aside the decision of that Court directing the Applicant to enter his defence for the offence of cheating.

An Order to review and, possibly, set aside the decision of a judicial, quasi-judicial, an administrative body or an administrative tribunal is known as an order of certiorari. The **Black's Law Dictionary 8th edition at page 682** defines a writ of certiorari as "***An extraordinary writ issued by an appellate court, at its discretion, directing a lower court to deliver the record in the case for review.***" Historically, the law lexicon notes ***at page 682*** that "***The writ evolved from one of the prerogative writs of the English Court of King's Bench…***" At ***page 683***, the dictionary referred to **Benjamin J. Shipman, Handbook of Common-Law Pleading § 340, at 541 (Henry Winthrop Ballantine ed., 3d ed. 1923)** where the learned author adumbrates that "***The established method by which the Court of King's Bench from the earliest times exercised superintendence over the due observance of their limitations by inferior courts, checkedthe usurpation of jurisdiction, and maintained the supremacy of the royal courts, was by writs ofprohibition and certiorari. A proceeding by writ of certiorari (cause to be certified) is a specialproceeding by which a superior court requires some inferior tribunal, board, or judicial officer totransmit the record of its proceedings for review, for excess of jurisdiction. It is similar to a writ oferror, in that it is a proceeding in a higher court to***

superintend and review judicial acts, but it only lies in cases not appealable by writ of error or otherwise."

In Nigeria, the Courts have pronounced on certiorari as one of the known prerogative writ. In ***Judicial Service Commission of Cross River State & 1 Other v. Dr (Mrs) Asari Young (2013) 11 NWLR (Pt. 1364) 1S.C. at 35, paras B – E***, the Supreme Court explained that "***Certiorari is one of the prerogative writs whosemain function is to ensure that inferior courts orany body entrusted with performance of judicialor quasi-judicial functions keep within the limitsof the jurisdiction conferred upon them by statutewhich create them. Therefore, an order of certiorariwill lie to remove into the High Court for purpose ofbeing quashed, any judgment, order, conviction orother proceedings of such inferior courts or otherbody, civil or criminal, made without or in excess ofjurisdiction.***"

Certiorari is resorted to where a body performs a judicial or quasi-judicial duty. See ***Judicial Service Commission of Cross River State & 1 Other v. Dr (Mrs) Asari Young (2013), supra at 35, para G***. On the appropriateness of the circumstances under which an application for an order of certiorari may be used, the Court in***Medical and Health Workers Union of Nigeria (MHWUN) v. Honourable Minister of Labour and Productivity & Others (2005) 17 NWLR (Pt. 953) 120C.A. at 150, paras E – G***, held that "***The primary purpose of certiorari in modern administrative law is to quash an ultra vires decision. Certiorari is technically an order bringing a decision of a public body to the High Court so that the court may determine whether the decision is valid. Where the decision is ultra vires, certiorari will issue to quash it. By quashing the decision, certiorari confirms that the decision is a nullity and is to be deprived of all effect. In modern time, certiorari is the means of controlling***

unlawful exercise of power by setting aside decisions reached in excess or abuse of power."

On when either of an appeal or an application for an order of certiorari is suitable, the Court in ***Tractor & Equipment Nigeria Limited & 2 Others v. Integrity Concepts Ltd & Another (2012) 2 NWLR (Pt. 1283) 120 C.A. at 133, paras C – D*** held that "***The scope of an order of certiorari is limited because certiorari will not be issued where there is an equally competent and effective remedy like the process of an appeal. Therefore in exercising the discretion, a judicial officer will be judicious, and will not allow the prerogative order of certiorari to supplant the regular process of appeal to a higher court. However, where the trial court or tribunal adjudicated in excess of its jurisdiction, an aggrieved party will successfully seek an order of certiorari even though he has a right of appeal***." See also ***Ofordum v. Nigerian Army(2015) 1 NWLR (Pt. 1439) 145 C.A. at 178 -179, paras G – B, Umeano v. Anaekwe(2022) 6 NWLR (Pt. 1827) 509S.C. at 536, paras. G-H and Audu v. Pandiri(2022) 9 NWLR (Pt. 1835) 269 S.C. at 293, paras A – B***.

My preoccupation at this stage is to determine whether this application as presently constituted is competent. I have examined the processes in the case file and the procedure the Applicant adopted in commencing this action. On the 23rd of September, 2021, the Applicant moved a Motion *Ex Parte* for leave to bring an application for judicial review. This Court granted the reliefs as sought in the *ex parte* application. This is consistent with the provisions of Order 44 Rule 3(1) and (2) of the Rules of this Court. In compliance with Order 44 Rule 6 of the Rules of this Court, this application for judicial review, initiated by a Motion, is accompanied by a statement setting out the name and description of the application, the reliefs

sought and the grounds upon which the reliefs are sought. An affidavit and a written address also accompany the process.

I note, however, that motion *ex parte* which initiated this application was filed on the 2nd of July, 2021. The ruling complained of was delivered on the 26th of January, 2021. The Rules of this Court in Order 44 Rule 4 stipulates that "***An application for judicial review shall be brought within 3 months of the date of occurrence of the subject of the application***." It is obvious that more than three months had elapsed between the 26th of January, 2021 when the Ruling complained of was delivered and the 2nd of July, 2021 when the Motion *Ex Parte* for leave to bring this action was filed.

Explaining the reason for this delay, the deponent attributed it to the failure of the Chief Magistrate Court to provide the certified true copies of the record of proceedings and the Ruling of the Court to the Applicant following the Applicant's application for same. See paragraph 4(c), (d), and (e) of the affidavit in support of the Motion on Notice. The acknowledgement copy of the letter which is dated the 27th of January, 2021 is attached to the affidavit as **Exhibit A**.

Indeed, the Courts have pronounced severally in a plethora of judicial authorities that the Rules of the Court are meant to be obeyed. They are not mere decorative fripperies and ornaments to be displayed on mantels. See ***Nipol Ltd. v. Bioku Invest.Pro. Co. Ltd.(1992) 3 NWLR (Pt. 232) 727S.C. at 753, paras C– D; Anatogu v. Anatogu(1997) 9 NWLR (Pt. 519) 49 C.A. at 67-68, paras.G-A; Nabore Properties Ltd. v. Peace-Cover (Nig.) Ltd(2015) 2 NWLR (Pt. 1444) 440 C.A. at 463, paras B – D; Owners of the MV Arabella v. Nigeria Agricultural Insurance Corporation (2008) 11 NWLR (Pt. 1097) 182 S.C. at 205 – 206, paras G – C, 222, paras C – D***.

However, it is noteworthy that the Courts acknowledge that though the Rules of Court are made to be obeyed, they are not designed as shackles to the administration of justice. In ***Sosanya v. Onadeko(2005) 8 NWLR (Pt. 926) 185 S.C. at 226 – 227, paras H – A***, the Supreme Court held that "***Rules of court are made for the courts and not the other way round. The courts are not made for their rules. If compliance with rules of court will cause injustice or miscarriage of justice in the case, the court will, in its choice of doing substantial justice, detract or move away from the rules of court***." In ***Williams v. Adold Stamm Intl (Nig.) Ltd. (2022) 5 NWLR (Pt. 1822) 23 S.C. at 82, paras B – F***, the Supreme Court pronounced that "***rules of court are meant for the courts to regulate the conduct of a case. So, the rules of court cannot be the master of the courts***."

Though the Rules of this Court provides that an application for judicial review shall be brought within three months, the same Rules in Order 44 Rule 9(2) stipulates that where the application is for, or includes an order of certiorari, the Court will not hear same unless the Applicant has attached a copy of the order, warrant, commitment, conviction, inquisition orrecord sought to be quashed. **Exhibit A** is evidence that the Applicant made an application for the certified true copies of the record of proceedings as well as the ruling of the Chief Magistrate Court; but, for reasons best known to the Chief Magistrate Court, it failed to make the processes available to the Applicant. I am not unaware of the antics of some judex who, with the objective of frustrating the review process, withhold the records of proceedings and their rulings and judgments sought to be challenged on appeal or through any process of review such as the one before me. Such injudicious and reprehensible practice is condemnable and hereby stands condemned. The circumstances of this case are such that this Court must move away from the rules of technicality and do

substantial justice. The Latin maxim *ubi jus ibi remedium* becomes apposite under this circumstance. See ***Dantata v. Mohammed (2000) 7 NWLR (Pt. 664) 176 S.C. at 205, paras D – G; Opia v. I.N.E.C. (2014) 7 NWLR (Pt. 1407) 431 S.C. at 453, paras C – D; Nyako v. A.S.H.A (2017) 6 NWLR (Pt. 1562) 347 S.C. at 395, paras. B-C; 401, para. E; Oloja v. Gov., Benue State (2022) 3 NWLR (Pt. 1816) 1 S.C. at 24, para F, 28, para A*** among other cases in this regard. It is for this reason that I uphold the competence of the Applicant's processes. This Court is a Court of justice and not a Court of rigid and unremitting technicality; it will not therefore throw away the baby with the bath water.

The Applicant, as part of his grounds for the application, complained that the judex in Chief Magistrate Court *coram* His Worship Sharon Tanko Ishaya overruled his objection that the First Information Report was not signed. The First Information Report in question is attached to the affidavit in support of this application as **Exhibit C**. I have scrutinized this document. Under the dotted lines for "signed" a scrawl is visible. This is followed by the abbreviation "CSP" under the dotted space for "rank". The contention of the Applicant is that the First Information Report is defective because the person to whom the signature belongs to is unknown. The Chief Magistrate Court did not agree with him. In his considered Ruling, the judex held *inter alia* thus: "*Now, the F.I.R. before me does have a signature and it is indicated on it to be signed by CSP. My view is that it is sufficient and satisfies the requirement of section 110 ACJA*."

I have reflected on section 110 cited by the Judex. Section 110 of the Administration of Criminal Justice Act, 2015 provides for the mode of instituting criminal proceedings in a Magistrate Court. The paragraph applicable to this suit is section 110(1)(b) of the Act. The paragraph provides that "***Upon receiving a First Information Report for the commission of an offence for which the police are***

authorized to arrest without a warrant and which may be tried by the court within the jurisdiction where the police station is situate, the particulars in the report shall disclose the offence for which the complaint is brought and shall be signed by the police officer in charge of the case…"

The above provision is lucid and devoid of ambiguity. The operative question is: who signed the First Information Report that initiated the criminal proceedings against the Applicant? The learned judex at the Chief Magistrate Court held that the document was duly signed by "CSP". It bears restating here that 'CSP' as used on the First Information Report appears under the column for rank. 'CSP' in the Nigerian Police Force is the acronym for 'Chief Superintendent of Police'. So, who is this Chief Superintendent of Police who signed the First Information Report? It may be argued that that is the standard practice among police officers; but that standard practice is at variance with the law and should not be allowed to stand. The spirit behind the provision of section 110 (1)(b) of the Administration of Criminal Justice Act, 2015 is to hold someone responsible for any likely breach of a citizen's rights where the breach arises from the malicious prosecution of the citizen.

In ***The Shell Petroleum Development Company of Nigeria Limited v. Obonogina(2018) 17 NWLR (Pt. 1648) 221 C.A. at 235, paras C – D***, the Court held *inter alia* that "***…Once who signed the process cannot be ascertained, it is incurably bad. The identity of the person signing the document must be competent in the eyes of the law. A document, which is signed or authored, by an undisclosed person or unascertainable person has no origin in terms of its maker. In other words, the identity of the person signing the document must be properly disclosed for the document to be competent in the eyes of the law…***" In ***Al-Masmoon Security Ltd. v. Pipelines and Products Marketing***

Company Ltd.(2022) 7 NWLR (Pt. 1828) 1 S.C. at 19-20, paras. F-A, the Supreme Court, citing the case of ***SLB Consortium Ltd v. NNPC (2011) 9 NWLR (Pt. 1252) 317 at 337 – 338, paras D – F*** – one of the cases learned Counsel for the Applicant relied on both in this Court and in the Chief Magistrate Court – held *inter alia* that "***…once it cannot be said who signed a process, it is incurably bad…***" see also the case of ***Nasiru Garba Dantiye v Ibrahim Yusua'u Kanya & Anor (2009) 4 NWLR (Pt. 1130) 13 at 44, parasB – C*** cited by Counsel for the Applicant where the Court succinctly held that "***An unsigned or irregularly signed document isworthless and entitled to ascription of no weight atall in law. Such a document binds no one***."

In view of these and other authorities to the same effect, can it be said that 'CSP' is an ascertainable, disclosed, identifiable person in the eye of the law? I hasten to answer this question in the negative. This being so, the First Information Report is grossly and incurably incompetent. It should not have been accorded any tincture of judicial attention by the Judex in the Chief Magistrate Court. This error is obvious on the face of the record. The Chief Magistrate Court *coram* His Worship Hon. Sharon Tanko Ishaya having assumed jurisdiction to try the Applicant on the basis of the incompetent First Information Report, acted in excess of his jurisdiction. Thus, this application is appropriate in challenging the decision of the Chief Magistrate Court.

Having found that the First Information Report which purported to initiate the criminal trial pending before the Chief Magistrate Court *coram* His Worship Hon Sharon Tanko Ishaya is incompetent, it is not necessary for me to dwell on other grounds for this application. Suffice it however to say that the other ground which borders on perceived inconsistencies and contradictions on the face of the record of proceedings relates to the finding by the Chief Magistrate Court *coram* His

Worship Hon. Sharon Tanko Ishaya that the prosecution made out a case of fraud and not that of cheating as contained in the First Information Report. It is my considered view that the Magistrate before whom a First Information Report is brought has the discretion to frame a charge according to the elements of the offence or offences the prosecution has been able established *via* its *prima facie* evidence and not necessarily on the offences contained in the First Information Report. See the provisions of section 112 (9) and (10) of the Administration of Criminal Justice Act which provides as follows:-

> ***(9) Where the suspect denies the allegation against him and states that he intends to show cause why he should not be convicted, the Magistrate shall proceed to hear the complainant and take such evidence as may be produced in support of the prosecution and the suspect shall be at liberty to cross-examine the witnesses for the prosecution and if he does, the prosecutor may re-examine the witnesses where necessary.***
>
> ***(10) Where the evidence referred to in subsection (9) of this section has been taken or at any stage of the case, the Magistrate is of the opinion that there is ground that the suspect has committed an offence triable under this part, which such Magistrate Court is competent to try and which, in the opinion of the Magistrate, could be adequately punished, the Magistrate shall frame a charge stating the offence for which the suspect will either be tried by the court or direct that the suspect be tried in another Magistrate Court.***

In view of the foregoing, therefore, I resolve Issue 1 in favour of the Applicant. The First Information Report being incompetent, every other process and procedure founded on it, including the proceedings relating thereto and the ruling emanating

therefrom, is incompetent. See ***McFoy v. UAC (1961) All ER 1169***. See also the *locus classicus* of ***Madukolu v. Nkemdilim (1962) 2 SCNLR 341***, where the Supreme Court per Bairamian FJ laid down the following time-honoured principle:-

> ***"I shall make some observations on jurisdiction and the competence of a court. Put briefly, a court is competent when***
>
> 1. ***It is properly constituted as regards numbers and qualifications of the members of the bench, and no member is disqualified for one reason or another; and***
> 2. ***The subject matter of the case is within its jurisdiction, and there is no feature in the case which prevents the court from exercising its jurisdiction; and***
> 3. ***The case comes before the court initiated by due process of law, and upon fulfilment of any condition precedent to the exercise of jurisdiction***
>
> ***Any defect in competence is fatal, for the proceedings are a nullity however well conducted and decided: the defect is extrinsic to the adjudication"***

On Issue Two, that is, "***Whether this Court is not correct to act on the unchallenged evidence of the Applicant in arriving at its decision herein"***, I have stated earlier that none of the Respondents in this suit filed any process in opposition to the application of the Applicant. The 3rd Respondent who filed a Notice of Preliminary Objection was not diligent enough to prosecute same. This Court was left with no option than to strike it out. I have perused the records of this case and I am impressed with the diligence the staff of this Court and learned Counsel for the Applicant demonstrated in ensuring that the Respondents were served with the processes of this Court in respect of this application and the

hearing notices in respect of the hearing dates.The law is clear that the duty of the Court is to ensure that all processes required to bring a party, or, in this case, the Respondent, to Court have been complied with; it is not for the Court to compel the party, or the Respondent as in this case, to attend Court. A party who fails to utilise the opportunity afforded him by the Court cannot be heard to complain that he has been shut out by the Court. See ***Segun Akinsuwa v. The State (2019) 13 NWLR (Pt. 1688) 161 at pp. 195-196 paras H-D, 2020, paras B-D***. See also **Ayoade v. State (2020) 9 NWLR (Pt. 1730) 577 at 607 paras F-G**.

It remains to be said that the Court has a bounden duty to act on an unchallenged, uncontradicted and uncontroverted evidence as long as the said evidence is credible, compelling and cogent. See ***Akin Adejumo & 2 Others v. Ajani Yusuf Ayantegbe (1989) 6 S.C. 61 at page 89 or (1989) 3 NWLR (Pt. 110) 417 Ratio 19 at page 424 or 435; Ajomale v. Yaduat & Anor (1991) LPELR-306 (SC); Ogoejeofo v. Ogoejeofo (2006) LPELR-2308 (SC); Lufthansa Airlines v. Odiese (2006) 7 NWLR (Pt. 978) 34 CA at 81 – 82, paras F – A; State v. Oray (2020) 7 NWLR (Pt. 1722) 130 S.C. at Pp. 151-152, paras. H-C; Owakah v. Rivers State Housing & Property Development Authority & 1 Other (2022) 12 NWLR (Pt. 1845) 463 S.C. Pp. 497-498, paras. G-A; 515, paras. D-G*** among other cases in this regard. It is against this background that I hold that this Court was right to act on the unchallenged evidence of the Applicant when it resolved Issue 1 in his favour.

In the end, I find this application meritorious. This application therefore succeeds. The reliefs sought by the Applicant are hereby granted as follows:-

1. **AN ORDER IS HEREBY MADE QUASHING the First Information Report (FIR) filed by the Complainant on the 19th day of November, 2015 in Case No. CR/32/2018 before the Chief Magistrate Court of the Federal**

Capital Territory, Abuja holden at Life Camp*coram*His Worship Hon. Sharon Tanko Ishayaon the ground of lack of jurisdiction of the Chief Magistrate Court as the First Information Report (FIR) was not signed by a person known to law and is therefore incompetent.

2. **AN ORDER IS HEREBY MADE QUASHING all the proceedings conducted by the Chief Magistrate Court of the Federal Capital Territory, Abuja pursuant to the First Information Report (FIR) on the ground of lack of jurisdiction of the Chief Magistrate Court.**
3. **AN ORDER IS HEREBY MADE QUASHING the Ruling delivered by the Chief Magistrate Court of the Federal Capital Territory, Abuja holden at Life Camp *coram* His Worship Hon. Sharon Tanko Ishaya on the 26th day of January, 2021 on the ground of lack of jurisdiction of the Chief Magistrate Court.**
4. **The 1st Respondent is hereby ordered to re-arraign the Applicant and the 3rd Respondent on another First Information Report that is properly signed with the name of the signing officer clearly written pursuant to section 110 (1)(b) of the Administration of Criminal Justice Act, 2015.**

This is the Judgment of this Honorable Court delivered today, the 16th of February, 2023.

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HON. JUSTICE A. H. MUSA
JUDGE
16/02/2023

APPEARANCES:

FOR THE APPLICANT:
Olamiji Ogun, Esq.

FOR THE 1ST RESPONDENT:
NONE

FOR THE 2ND RESPONDENT:
NONE

FOR THE 3RD RESPONDENT:
Adedapo Adejumo Esq.