

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
HOLDEN AT ABUJA
ON TUESDAY 19TH DAY OF MAY 2020
BEFORE HIS LORDSHIP: HON. JUSTICE O. A. ADENIYI
SITTING AT COURT NO. 14 APO - ABUJA

SUIT NO. CV/1389/17

BETWEEN:

MOHAMMED SANI ZUBAIR CLAIMANT

AND

ECONOMIC AND FINANCIAL CRIMES COMMISSION DEFENDANT

JUDGMENT

The Claimant claims to be an Islamic Cleric, publisher and businessman. The summary of his case, as gathered from the processes filed to commence the instant action, is that on 29th September, 2016, officers of the Defendant, at the instance of the son of one **General Ejiga (Rtd.)**, arrested him, detained him and raided his premises in Kubwa, Abuja, where they

carted away his valuable properties, including title documents in respect of his landed property in Abuja. The Claimant maintained that he committed no offence to have warranted his arrest, detention and seizure of his properties, other than introducing one **Kalaz Ventures Ltd.**, a *bureau de change* to the said **General Ejiga (Rtd.)**, who had business dealings with the said *bureau de change* without his involvement.

The Claimant contended that he suffered special and exemplary damages as a result of the alleged tortious acts of the Defendant and being aggrieved thereby, he commenced the instant action in this Court, *vide* Writ of Summons and Statement of Claim filed on 07/04/2017, whereby he claimed against the Defendant the reliefs set out as follows:

- 1. A declaration that the Defendant's invasion and carting away of the Original title documents of Plot No. 164, Gbasango Layout, Abuja, issued by Abuja Municipal Area Council, dated 15th June, 1995,***

Single barrel gun with License No. 1112723, New Canon Digital and Digital Panasonic cameras belonging to the Plaintiff is tortious, unlawful and illegal.

2. An order of mandatory injunction directing the Defendant whether by itself, officers, agents or howsoever described to return forthwith to the Plaintiff the following items forcefully taken away from the Plaintiff to wit:

- 1. Original title documents of property at plot No. 164, Gbasango Layout, Abuja, issued by the Abuja Municipal Area Council on 15th June, 1995.**
- 2. Single barreled gun with License No. 1112723 and some cartridges.**
- 3. New Canon Digital Camera (valued at ₦150,000.00).**

4. **Digital Panasonic Camera (valued at ₦100,000.00).**
3. **An order of perpetual injunction restraining the Defendant whether by itself, officers, servants, agents, privies or otherwise howsoever called from further invading, ransacking, forcefully taking away or over the property or items belonging to the Plaintiff or in any other manner interfering (with) the Plaintiff's use of them.**
4. **An order directing the Defendant to pay to the Plaintiff the sum of ₦100,000,000.00 (One Hundred Million Naira) only being aggravated, exemplary and general damages.**

The Defendant contested the Claimant's claim by filing Statement of Defence on 06/07/2017, wherein she contended, *inter alia*, that she moved against the Claimant on the basis of a Petition lodged in her office in a case of obtaining money by fraud from one **Major General Geoffrey Obiaje Ejiga (Rtd.)**; in which the

name of the Claimant featured as one of the suspects; that it was in the course of investigation, which revealed that the Claimant fraudulently obtained huge sums of money running into Millions of Naira from the complainant, that the Claimant was arrested on 27th October, 2016 and was on the same day granted administrative bail; that the Claimant was present when his house in Kubwa was searched on 31st October, 2016, in pursuance to a Search Warrant issued by a Court of competent jurisdiction; that the items recovered from the Claimant's house were those listed on the Search Warrant; that the Claimant did not apply for the release of the seized items; that a *prima facie* case of obtaining money under false pretences had been made out against the Claimant and shall be charged to Court as soon as investigations were concluded and other suspects at large were apprehended.

At the plenary trial, the Claimant testified in person but called no other witnesses. He tendered in evidence three (3) documents as exhibits, in further support of his case. He was duly cross-examined by the Defendant's learned counsel.

The Defendant in turn also fielded a sole witness, by name **Naziru Aminu Shehu**, an investigator attached to the **Advance Fee Fraud Unit** of the **EFCC**. He adopted the *Statement on Oath* he deposed to and also tendered three (3) documents in evidence as exhibits to further support the defence of the Defendant. He was equally cross-examined by the Claimant's learned counsel.

Upon conclusion of plenary trial, parties filed and exchanged their written final addresses in the manner prescribed by the **Rules** of Court.

In the Defendant's final address filed on 15/05/2019, by **Richard Dauda, Esq.**, of learned counsel, two issues

were formulated as having arisen for determination in this suit, namely:

- 1. Whether the Plaintiff had reasonable cause of action as to entitle him to all the reliefs sought.***
- 2. Whether the Plaintiff has been able to prove his case on the balance of probabilities or preponderance of evidence.***

The Claimant in turn filed his final address on 17/10/2019, where his learned counsel, **Oladimeji Ekengba, Esq.**, also formulated two issues similar to those formulated by the Defendant's learned counsel, as having arisen for determination in this suit, namely:

- 1. Whether the Plaintiff has a reasonable cause of action as to entitle him to seek all the reliefs sought.***

2. Whether from the evidence adduced in this case, the Plaintiff is entitled to have judgment given in his favour.

I shall proceed to decide this case on the basis of the issues formulated by the respective learned counsel, taken together.

In determining these issues, I had carefully considered the totality of the arguments canvassed by learned counsel on both sides in their written addresses and their oral adumbrations. I shall endeavour to make specific reference to learned counsel's arguments as I deem needful in the course of this judgment.

TREATMENT OF ISSUES

The case of the Claimant seems to me to be simple and straightforward. Also, going by the defence put forward by the Defendant, the areas of dispute seem to me to have been well narrowed down.

The Claimant's evidence is that he was arrested by officers of the Defendant on 29th September, 2016, as a result of a purported petition written to her office by the son of one **General Ejiga (Rtd.)**, in connection with business transactions the said **General Ejiga (Rtd.)** had with the operator of the *bureau de change* known as **Kalaz Venture Ltd.** According to the Claimant, his only link is that he was the one who introduced the said *bureau de change* to the said General; whilst it was his own friend, by name **Abiodun Johnson**, who, sometime in March, 2016, introduced the said **General Ejiga (Rtd.)** to him.

Both parties were *ad idem* that the Claimant was arrested by the operatives of the **EFCC** as a result of a petition written against him, even though they differed on the date of arrest and the place of arrest. Whilst the Claimant testified in *paragraph 3(v)* of his *Statement on Oath* that he was arrested on 29th

September, 2016 at his residence at No. 3, Arthur Akwarandu Street, Gbazango, Extension, Kubwa, Abuja; the **DW1**, who testified that he was part of the team that investigated the petition against the Claimant, deposed in *paragraph 6* of his *Statement on Oath*, on the other hand, that the operatives of the Defendant picked up the Claimant somewhere around the Bannex Complex, by Yoruba Mosque, Wuse 2, Abuja, on 27th October, 2016.

I however note that whilst answering questions under cross-examination by the Defendant's learned counsel, the Claimant admitted that he was arrested by Bannex junction; on 26th September, 2016.

Again, the date of arrest, as stated by the Claimant in his *Statement on Oath*, aforementioned, is inconsistent with the date he mentioned under cross-examination. The position of the law is that material inconsistencies in the evidence of a witness render such pieces of

evidence incredible and as such must not be relied or acted upon by the Court in reaching a determination. See Wusu Vs. David [2014] LPELR-22426(CA).

As such, with respect to the date and place of arrest of the Claimant, the Court hereby prefers the testimony of the **DWI** to that of the inconsistent testimonies of the Claimant.

The Claimant further testified that after his arrest, he was detained for a period of two (2) weeks before he regained his freedom on bail. Although, the Defendant denied this assertion by the Claimant, stating that he stayed that long in their custody as a result of his inability to fulfill the bail conditions imposed on him; I should reckon that the issue of length of detention is not critical to determining the claim of the Claimant, as circumscribed in the reliefs he prays this Court in this suit.

The next issue, which seems to me to be the crux of the case of the Claimant, is his testimony that whilst he was in detention, the operatives of the Defendant invaded his house aforementioned, and carted away some items. He listed the items in *paragraph 3(viii)* of his *Statement on Oath* as follows:

1. Original title documents of property at plot No. 164, Gbasango Layout, Abuja, issued by the Abuja Municipal Area Council on 15th June, 1995.
2. Single barreled gun with License No. 1112723 and some cartridges.
3. New Canon Digital Camera (valued at ₦150,000.00).
4. Digital Panasonic Camera (valued at ₦100,000.00).

The defence of the Defendant in this regard, is that her operatives did not invade the house of the Claimant as he contended; but that on 31st October, 2016, her operatives conducted a search in the premises, pursuant to Search Warrant issued by a Court of competent jurisdiction; that the Claimant was physically present when the Search Warrant was executed; that items seized in the course of the search were listed at the back of the Search Warrant and that the Claimant confirmed the items seized by signing the same as witness.

The **DW1** tendered in evidence without objection, as **Exhibit D2**, the said Search Warrant, issued on 31st October, 2016, by a Chief Magistrate in the Federal Capital Territory, Abuja. For ease of understanding, I hereby reproduce the handwritten endorsement at the back of the Search Warrant, alluded to by the **DW1** in his *Statement on Oath*, as follows:

“Today, being 31st of October, 2016, a Search Warrant was executed at the house and premises of Muhd Sanni Zubair at No. 3, Arthur Akwarandu Street, Bwari Area Council, FCT. The officers were properly searched by the suspect and none of his items was stolen or damaged in the course of the search. However, the following incriminating items were recovered during the search:

- 1) Single Barrel gun OZ ZUMRUT SILAH SAN 12-76
NBD Ts.870.***
- 2) 82 Cartridges.***
- 3) Canon Digital Camera No. 363075040536***
- 4) Panasonic FH6 Digital Camera Serial No. FF2
DA001172.***
- 5) Copy of letter address (sic) to the President of
South Africa.***
- 6) Copy of Memorandum of Understanding between
Alhaji Abdulkareem Oduoye and Alhaji
Abubakar Yusuf Ribadu.***

ADS. NASIRU AMINU SHEHU

AMINU SANNI ZUBAIR

EFCC OPERATIVE

(signed)

31-10-2016

.....”

(Signed) 31/10/2016

Suspect (Witness)

It is noted that upon a comparison of the items the Claimant listed in his *Statement on Oath*, reproduced in the foregoing, as those removed from his house by the **EFCC** operatives and the list of items contained on the Search Warrant as also reproduced in the foregoing, the only missing item is the original title documents of the Claimant's landed property which the Claimant included in his list but which was not included on the written endorsement overleaf the Search Warrant.

However, the discrepancy was explained by the **DW1** in his testimony under cross-examination when he stated as follows:

“It is correct that all the items recovered from the Claimant as listed at the back of the Search Warrant are with the Commission. The Claimant willingly submitted title deed to his property to the

Commission and still with the Commission... The Claimant could not meet the bail conditions we gave to him to produce 2 Directors and deposit their title documents. He begged the Commission to reduce the terms to Grade Level 12 or 14, which we obliged. He claimed that the sureties did not have title documents but that he was willing to submit his own title documents, which he did after he was released.”

This testimony clearly confirmed that even though the title document in respect to the Claimant’s property aforementioned is in the Defendant’s custody; but that it was not retrieved in the course the Defendant’s operatives executing Search Warrant in his house. I so hold.

From the evidence analyzed in the foregoing therefore, it is clearly established that the Claimant’s four properties listed in *paragraph 3(viii)* of his *Statement on Oath* are in the custody of the Defendant. I so hold.

The question that follows is whether or not the seizure of the Claimant's properties by the Defendant is tortious, unlawful and illegal as alleged?

It is the case of the Claimant that his property at Plot 164, Gbasango Layout, Abuja, was acquired *bona fide* since 15th June, 1995, much earlier than the period he met the said **Gen. Ejiga (Rtd.)** and had transactions with him. He further testified that his other properties seized by the Defendant were not purchased or acquired with proceeds of any crime or fraud and that they were unconnected with the transactions with the said **Gen. Ejiga (Rtd.)**; and that it was unlawful for the Defendant to have detained his properties without the orders of any Court of competent jurisdiction.

The defence offered by the Defendant is that she received a Petition in which the name of the Claimant featured prominently alongside other suspects in the

said petition. The **DW1** tendered in evidence as **Exhibits D1** and **D1A** respectively, certified true copy of the said Petition dated 14th September, 2016 and captioned “**PETITION AGAINST SOME FRAUDSTERS WHO ARE OBTAINING MONEY FRAUDULENTLY FROM MAJOR GENERAL GEOFFREY OBIAJE EJIGA (RTD.)**.” The Petition was written by **Ayuba B. Iliya, Esq.** of the law firm of **A. Danjuma Tyoden & Co.**, on behalf of **Mr. Adakole Ejiga** and **Mrs. Ohigana Otache**, said to be biological children of **Major-General Geoffrey Obiaje Ejiga (Rtd.)**. Attached to the Petition and tendered as **Exhibit D1A**, is a list containing names of persons alleged to have defrauded the business of the said **Major-General Ejiga (Rtd.)**. The Claimant’s name appeared on the list and he was alleged to have defrauded the retired Major-General of a total sum of **₦6,475,000.00**. The allegation in the Petition is essentially that most of the persons on the said list had no direct contact with the said **Major-General Ejiga**

(Rtd.) but that it was feared that the alleged fraudsters must have used deceptive devices to cast a spell on him to be disbursing sums of money to them at different times, totaling about ₦180,000,000.00 without he having any business dealings with them.

The **DW1** further tendered in evidence as **Exhibit D3**, another Complaint letter dated 1st June, 2017, written by **Major-General G. O. Ejiga (Rtd.)** to the Defendant, captioned “**COMPLAINT OF UNWHOLESOME FINANCIAL PRACTICES OF FRAUDSTERS-RE: MOHAMMED S. ZUBAIR**” The Petition is a follow up to the earlier one, **Exhibit D1** and also alleged that the Claimant defrauded the said **Major-General Ejiga (Rtd.)** of the sum of ₦6,475,000.00.

The **DW1** further testified that the Claimant made a statement in the Defendant’s office on 2nd November, 2016, wherein he admitted to have defrauded the said **Major-General Ejiga (Rtd.)**; that on the basis of

the investigations conducted, a *prima facie* case has been made out against the Claimant and that he shall be arraigned before a Court of law.

Now, under cross-examination by the Claimant's learned counsel, the **DWI** testified further as follows:

“We were investigating the allegations of fraud against the Claimant, which we believe the Claimant may have used the proceeds to acquire some of the items we seized from his house. ... The use of cameras, letters and items recovered from the Claimant may be part of the items employed in committing the crime. ...

We are yet to charge the Claimant for possessing firearms and for obtaining money under false pretences because we are still awaiting some information from the victim who is not in the country at the moment. ...

It is correct that we have not returned the items retrieved from the Claimant to him because he has not applied for them...”

From the totality of the testimony of the **DW1**, one fact is firmly established, which is that the Defendant did not charge the Claimant for the commission of any offence, at least for the duration of the proceedings in this suit.

In his *Statement on Oath* which he deposed to on 04/07/2017, paragraph 15(g) and (h) thereof, the **DW1** stated that the Claimant admitted in his statement to the **EFCC**, of being involved in fraud and that a *prima facie* case of obtaining money under false pretences had been made out against the Claimant and that he would soon be charged to Court.

However, as at 18/04/2019, the date he was cross-examined by the Claimant’s learned counsel, almost two (2) years thereafter, the testimony of the **DW1**

seemed to have changed. He stated that the investigations against the Claimant were yet to be concluded because the Commission was still awaiting some information from the victim who was out of the country.

My understanding of the phrase “**prima facie**” in the contest in which the **DWI** used it in his evidence in chief is that investigations have been concluded, that a water tight case has been built up against the Claimant and that all materials required to charge him to Court were ready. For judicial definition of **prima facie**, see University of Lagos Vs Olaniyan [1985] 1 NWLR (Pt. 1) 156; Grange Vs. FRN [2010] 7 NWLR (Pt. 1192) 135.

Yet, the position remains that the Claimant was not charged with the commission of any offence, in spite of the so-called confessional statement he made and the *prima facie* case made out against him.

In the circumstances therefore, the question is whether the Defendant had the legal authority to continue to hold on to the Claimant's properties indefinitely, when, after over three years he had been arrested, his house searched and properties seized, released on bail, he was yet to be charged to Court for the commission of any offence?

Now, the provision of s. **26** of the **EFCC Act**, cited by the Claimant's learned counsel, empowers the Defendant, *inter alia*, to seize and keep custody of any property subject to forfeiture, where the seizure is incidental to arrest or search.

In the instant case, the Claimant's properties in question were seized in the course of the execution of Search Warrant, **Exhibit D2**.

Again, by the provision of s. **27(4)** and s. **28** of the **EFCC Act**, the Commission is under obligation to apply to Court to obtain an interim forfeiture order whenever

the assets or properties of any person arrested for the commission of a financial crime are seized or attached, provided such properties are shown to have been acquired as a result of such economic and financial crime.

In the instant case, no evidence is adduced by the Defendant before the Court to establish or suggest that the Claimant's properties that were seized in the course of executing Search Warrant in his house were acquired from proceeds of any economic and financial crimes. What is more, it is not also shown that the Defendant obtained the order of any Court of competent jurisdiction, to so keep the properties seized from the Claimant in her custody indefinitely, particularly when he has not been charged with the commission of any crime, after over three (3) that the properties had been seized.

According to the **DW1** in his testimony under cross-examination by the Claimant's learned counsel, the Defendant's justification for having not returned the Claimant's properties to him was because he did not apply for their release. This piece of evidence suggested an inference that the **DW1** was aware and accepted that the Defendant had no such powers to continue to retain the Claimant's seized properties in her custody without any Court order. I so hold.

It must clearly be understood that this Court has no jurisdiction, in so far as the claim before it is concerned, to delve into issues as to whether the Claimant indeed committed the crimes alleged against him, no matter how weighty. The present suit is not a criminal trial and as such, the Court lacks the jurisdiction to make such inquiry or finding as to the culpability or otherwise of the crime alleged against the Claimant by **Major-General G. O. Ejiga (Rtd.)**. I

note that the Defendant attached a gamut of documents to her Statement of Defence, including the purported confessional statement made by the Claimant. Even though the Defendant failed to tender these documents in evidence, I reckon that such are the documents that ought to constitute proof of evidence in a criminal trial. Yet, the Defendant failed to charge the Claimant to Court for the commission of any economic and financial crime.

I must state that I am unable to comprehend the submission of the Defendant's learned counsel that the Claimant had not disclosed any reasonable cause of action in this suit, despite the unassailable evidence adduced by the Claimant and the weak defence put forward by the Defendant. By learned counsel's definition of cause of action, citing the authority of Ogbimi Vs. Ololo [1993] 7 NWLR (Pt. 304) 128, it is apparent that taking together the totality of the facts

and evidence relied upon by the Claimant to institute this suit, he has a reasonable claim against the Defendant, which, in simple terms, is the unlawful seizure of his properties, without any order of court or without charging him to Court for the commission of any crime. The wrongful act of the Defendant in the instant case is the continued seizure of the Claimant's properties without Court order as required by the **EFCC Act**, as analyzed in the foregoing. It follows therefore that the Claimant is entitled in law to seek judicial redress for the Defendant's wrongful act aforestated. It is that straightforward.

On the basis of the foregoing analysis, therefore, the ultimate conclusion the Court must come to at the end of the day, is that even though the execution of Search Warrant by officers of the Defendant on the residence of the Claimant on 31st October, 2016, was regular and lawful in that it was in pursuance of investigation

of allegations of obtaining money under false pretences leveled against him by one **Major-General G. O. Ejiga (Rtd.)**; however, the continued detention of the said properties in the Defendant's custody without Court order, as required by law and without charging him to Court for the commission of any economic and financial crime, after over three years of commencement of investigation of the said allegation, is illegal and unlawful. This is more so that no evidence has been adduced before this Court that the said properties have been established to have been procured by or linked to proceeds of economic and financial crime.

It follows therefore that the Claimant is entitled to the order of mandatory injunction for the release of the said items to him. I so hold.

The Claimant has further claimed the sum of ₦100,000,000.00 as aggravated, exemplary and general damages.

In support of this claim, the Claimant testified in *paragraph 3(xiii)* of his *Statement on Oath* as follows:

“That I suffered special and exemplary damages in the following terms:

PARTICULARS

- a. I have been denied the use of the original title documents of my property located at Plot No. 164, Gbasango Layout, Abuja, issued by Abuja Municipal Area Council and dated 15th June, 1995 and as a result of which I could not apply for any facility to advance my business undertaking with the said original title documents;***
- b. Since the seizure of my Single barrel gun with License No. 1112723 and some cartridges; I have employed the services of private security***

and expended money in the payment of their salaries at ₦50,000 (Fifty Thousand Naira) per month for 2 security guards;

c. I have lost the use of my New Canon Digital camera valued at ₦150,000 (One Hundred and Fifty Thousand Naira) only which may have deteriorated in the custody of the Defendant;

d. I have lost the use of my Digital Panasonic camera valued at ₦100,000 (One Hundred Thousand Naira) only.”

It has already been established, as I had held in the foregoing, that the Defendant did not act illegally in seizing the Claimant's properties in issue. As a matter of fact the title document referred to by the Claimant was not seized by the Defendant in the course of executing the Search Warrant. The unchallenged evidence of the **DW1** is that the Claimant voluntarily submitted the title document to the Defendant when his

sureties were unable to meet the bail conditions imposed by the Defendant after his arrest. That explains why the title document is not included in the list of items removed from the Claimant's house in pursuance of executing the Search Warrant.

Furthermore, the **DW1** also testified under cross-examination that the reason the Defendant was yet to release the items to the Claimant was because he did not apply for them.

From the state of the evidence on record, it is apparent that the Claimant's claim for exemplary and general damages for the forceful taking away and taking over of his property and interfering with his use of the properties by the Defendant is founded in the tort of detinue; even though he did not exactly use that known legal terminology in that regard.

Detinue has been described as a possessory action for recovery of property unjustly detained. It is an action,

which lies for the recovery of property from one who acquired possession of it but retains the same wrongfully, illegally or without right, together with damages flowing from or for the detention. See Kosile Vs. Folarin [1989] 3 NWLR (Pt. 107) 1.

The incidence of an action in detinue was further explained by the Supreme Court in Enterprise Bank Ltd. Vs. Deaconess Florence Bose Aroso & Ors. [2014] 3 NWLR (Pt. 1394) 256, per **Rhodes-Vivour, JSC @ 298**, as follows:

“I must explain the correct position of the law on detinue. The essence of detinue is that the defendant holds on to property belonging to the plaintiff and fails to deliver the property to the plaintiff when a demand is made. The goods must be in the custody of the defendant at the time the demand for them is made before an action in detinue can succeed. The cause of action in detinue is the refusal of the

defendant to return the goods to the plaintiff after the plaintiff must have made a demand for them.”

(Underlined portions for emphasis)

It is thus crucial that for an action for detinue to succeed, there must be evidence that the Claimant made a demand for the return of her goods from the Defendant; which demand was refused. This position was clearly espoused by the Court of Appeal in Geonnasons Pharm. Ltd. Vs. Edheku [2007] 14 NWLR (Pt. 1055) 423, where it was held as follows:

“...in a claim for detinue in addition to proving that the detention of the chattel is wrongful, the plaintiff is required to establish that he had demanded for the return of the chattel but the defendant refused to return it for no justifiable reason. ... This case reinforces the view that a demand for the return of the detained item must precede an action in detinue.”

In the present case, as I had stated earlier on, the defence put forward by the Defendant is that the Claimant failed to apply to recover his properties in her possession. The **DW1** went further to state that when the Claimant applied for the return of his phone which was also recovered from him in the course of investigations, the same was returned to him.

The Claimant in turn led no *iota* of evidence that he formally demanded for the return of the items seized by the Defendant before instituting the instant action. In the circumstances, the Claimant's claim for exemplary and general damages are unsustainable and I so hold.

The Claimant equally prayed the Court for an order of perpetual injunction to restrain the Defendant from further invading his house or forcefully taking away or over his property or in any interfering with his use of his property. However, the evidence on record did not

suggest that the Defendant forcefully seized the Claimant's property in the first place, without due process, as correctly submitted by the Defendant's learned counsel. In his testimony under cross-examination by the Defendant's learned counsel, the Claimant admitted that his house was not broken into by officers of the Defendant; that he accompanied officers of the Defendant to his house when the search was conducted; and that he was not compelled to endorse the Search Warrant at the conclusion of the search process.

The only wrongful act of the Defendant in the circumstances was to have held on to the properties without an order of Court authorizing her in that regard in accordance with the provisions of the **EFCC Act**.

In the circumstances, I hold that the Claimant is not entitled to the order of perpetual injunction sought.

In the final analysis, the Claimant's action only succeeds in part. For avoidance of doubts and abundance of clarity, judgment is hereby entered in favour of the Claimant as follows:

1. The Defendant is hereby mandated to release and return to the Claimant forthwith, properties seized from his premises in the course of executing Search Warrant on his premises on 31/10/2016; or otherwise, listed as follows:

- i. Original title document of property at plot No. 164, Gbasango Layout, Abuja, issued by the Abuja Municipal Area Council on 15th June, 1995.***
- ii. Single barreled gun with License No. 1112723 and some cartridges.***
- iii. New Canon Digital Camera.***
- iv. Digital Panasonic Camera.***

2. No orders as to costs.

OLUKAYODE A. ADENIYI
(Presiding Judge)
19/05/2020

Legal Representation:

O. F. Ekengba, Esq. – *for the Claimant*

Richard Dauda, Esq. – *for the Defendant*