

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE NYANYA JUDICIAL DIVISION
HOLDEN AT COURT 8 NYANYA –ABUJA ON THE 16TH DAY OF NOVEMBER, 2020
BEFORE HIS LORDSHIP: HON. JUSTICE U.P. KEKEMEKE
SUIT NO: FCT/HC/CV/1399/2020

COURT CLERK: JOSEPH BALAMI ISHAKU

BETWEEN:

MR. OLUWASEUN ANIFOWOSE.....APPLICANT

AND

- | | |
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| 1. THE NIGERIA POLICE FORCE 2. GENERAL ABDUSALAMI ABUBAKAR(RTD) 3. ALHAJI AMINU ABUBAKAR 4. THE DEPUTY INSECTOR GENERAL OF POLICE FORCE CRIMINAL INVESTIGATION DEPARTMENT AREA 10 | } RESPONDENTS |
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JUDGMENT

The Applicant’s Originating Motion undated but filed on 12/03/20 is brought pursuant to paragraph 3 (f) and (g) of the Preamble and Order II of the Fundamental Rights (Enforcement Procedure) Rules 2009, Section 34 1(a), 35 (1) (4) and (5) and Section 41(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and under the inherent powers of this Court.

The Motion prays the Court for

- (a) A declaration that the invasion of the Applicant’s residence by the men of the 1st Respondent, her arrest and subsequent detention is unlawful, illegal, null and void.
- (b) A declaration that the detention of the Applicant in the premises of the 4th Defendant from 21st day of February

2020 till date violates her rights to personal liberty and freedom of movement guaranteed under Section 35 (1) 4 and 5 and Section 41 of the Constitution of the Federal Republic of Nigeria.

- (c) A declaration that the Officers of the 1st Respondent invading the residence of the Applicant on the Order of 4th Respondent pouncing on, arresting and detaining the Applicant since 21/2/20 violates the Applicant's fundamental human rights guaranteed under the 1999 Constitution.
- (d) A declaration that the subsequent detention of the Applicant on no named and identifiable criminal grounds by men of the 1st – 4th Respondents is unlawful, unconstitutional, null and void.
- (e) An Order compelling the Respondents jointly and severally to release the Applicant on bail pending the conclusion of their investigation and/or charge her to a Court of law.
- (f) An Order of Perpetual Injunction restraining the Respondents either by themselves or through their agents, officers, servants, privies or howsoever described from further pouncing on, arresting and or detaining the Applicant in connection with the facts of the instant application.

(g) General damages of N150 Million only to the Applicant against the Respondents jointly and severally for breaching the Applicant's fundamental rights.

(h) N700,000 as cost of the action.

The application is supported by an 18 paragraph Affidavit.

The 1st and 4th Respondents also filed a Counter Affidavit which Learned Counsel adopted as his argument.

2nd and 3rd Respondents' Counsel also filed a Counter Affidavit which he relied upon.

He adopted his Written Address as his oral argument.

I have read the Motion and Affidavit. I have also read the Counter Affidavit of parties and considered the Written Addresses of Counsel.

The facts in this Suit is in pari materia with the facts in Suit No. FCT/HC/CV/1398/20 in which Judgment was delivered on 5/11/20.

The difference is that the Applicant in this case is different from the Applicant in the former case.

The facts leading to the institution of this application is as in former case.

The issues for determination are also the same.

I adopt my reasoning and Judgment in the earlier Suit FCT/HC/CV/1398/20 delivered on 05/11/20.

I only add that the Applicant was detained via an Order of Court.

That Order of Court was not challenged neither was the Order declared null and void.

In the circumstance, it is my view and I so hold that the fundamental rights of the Applicant to dignity and personal liberty is not breached.

The application fails and it is dismissed.

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HON. JUSTICE U.P. KEKEMEKE

(HON. JUDGE)

16/11/20