

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT NO. 4, MAITAMA

ON THE 8TH DAY OF APRIL, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE

SUIT NO. FCT/HC/M/6351/2024

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

BETWEEN:

INSPECTOR-GENERAL OF POLICE APPLICANT

AND

1. NNEKA ONYEALI-IKPE 2. BOYE OGUNMOLADE 3. OSATO OMOGIAFO 4. FIDELITY BANK PLC	} RESPONDENTS
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RULING

The Applicant's application brought pursuant to Section 6 (6) of the 1999 Constitution, Section 4 of the Police Act and Sections 35, 36, 37, 293, 294 and 296 of Administration of Criminal Justice Act (ACJA), seeks the Order to this Court directing the arrest and remand of the Respondents in Police custody for 30 days from the date of arrest to enable the Police conclude investigation.

Applicant's Counsel relies on the 13-paragraph Affidavit filed in support and four exhibits.

I have read same. I have also considered the Written Address of Counsel.

The Petition dated 18/05/2023 is against one Whoba Ogo and others. The said Whoba Ogo is not sought to be arrested by this application.

The Respondents sought to be arrested are the MD of Fidelity Bank and other principal officials of the bank. They are not persons that can evade arrest by virtue of their employment.

From the Petition attached to the application, there is an arbitral award in respect of this matter. It seems to be a civil transaction. The offence alleged to have been

committed is such that the Police can arrest the Respondents without a warrant.

The Respondents have not been arrested.

By Section 293 (1) of the ACJA, a suspect arrested for an offence which a Magistrate has no jurisdiction to try shall within a reasonable time of his arrest be brought before a Magistrate Court for remand.

I have just said none of the Respondents have been arrested. This Court is not a Magistrate Court hence lacks jurisdiction to conduct a remand proceeding.

I am not satisfied that there is probable cause to remand the Respondents as required by Section 29 (1) & (2) of the ACJA.

The liberty of a citizen cannot be tampered with even for a moment except there are strong reasons to the contrary and this Court cannot be used to deny citizens their right.

The Applicant has not put before this Court materials to enable the Court order an arrest and remand the Respondents for 30 days.

The application lacks merit and it is dismissed.

HON. JUSTICE U. P. KEKEMEKE, ACI Arb (UK), FICMC
(HON. JUDGE)
08/04/2024

Parties absent.

Ikemba Cyprian, Esq. for the Applicant.

COURT: Ruling delivered.

(Signed)
HON. JUDGE
08/04/2024