

**IN THE HIGH COURT OF THE
FEDERAL CAPITAL TERRITORY**

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT NYANYA- ABUJA

THIS HURSDAY THE 7TH DAY OF NOVEMBER, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/437/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

HILALUDEEN MUHAMMED..... DEFENDANT

Court; this matter is adjourned for hearing.

The defendant present in court.

Appearance: FATIMA M. Mustapha for the prosecution.

Defendant A. A. Olayele with Abdulwahab Abdulahi for the defendant

Prosecution: the matter is slated for hearing.

However, we were on receipt of a withdrawal letter from the complainant showing no interest in the matter. At this point, we urge the court to strike out the case and the defendant be discharged.

Court: defence counsel do you have any objection.

Defendant we shall not be objecting to the application but have an application to make. We apply that the defendant be discharged and acquitted, we refer to section 355 of the ACJA 2015.

RULING

This ruling is on the application made by the prosecution counsel to strike out this matter reasons being that the nominal complainant wrote a letter for the withdrawal of the petition and the case.

This the defence counsel to the defendant is not opposing but instead of striking out the charge, we apply that the defendant be discharged and acquitted his application is anchored on the provisions of section 355 of the ACJA 2015.

The section provide thus:

“Where a complainant at any time before a final order is made on a case, satisfied the court that there are sufficient grounds for permitting him to withdraw his complaint the court may permit him to withdraw the complaint and shall there upon acquit the defendant.

I have carefully listened to the submission of the prosecution counsel on it’s application to strike out the case against the defendant and the application made to not only strike out the charge but the defendant be discharged and acquitted his application is anchored on the provisions of section 355 of the ACJA 2015.

On this note I think the law is clear in respect of a withdrawal of a complaint by the complainant and section 355 of the ACJA stated above is clear.

Hence the application made by the defence counsel is hereby granted and the charge against the defendant is hereby withdrawn. The defendant is equally discharged and acquitted in accordance with the provisions of section 355 of the ACJA 2015 and is free to step down.

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Hon. Justice A. Y. Shafa