

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GARKI – F.C.T. – ABUJA

CLERK: CHARITY ONUZULIKE
COURT NO. 10

SUIT NO: FCT/HC/CV/1201/2019
DATE: 10/6/2024

BETWEEN:

INSPECTOR GENERAL OF POLICE.....PLAINTIFF

AND

YUSUF YAHAYA.....DEFENDANT

RULING
(DELIVERED BY HON. JUSTICE S. B. BELGORE)

A few minutes ago, the Prosecutor sought to be put in evidence the Data Analysis Report of a cell brite UFED system. The learned defence Counsel objected to it's being put in evidence for two reasons to wit:

- (1) It is a photocopy of which no foundation was laid of the whereabouts of the original.
- (2) The document is public documents which is not certified

In a short reply, the Prosecuting Counsel, submitted that the document is original and not a photocopy. He also replied that the witness laid foundation for it before he tendered same.

As regard the document not being certified being a public document, the prosecution did not say anything in that regard.

I have considered the objection as briefly as it was made. I took a very hard and close look at the document, it is actually a photocopy and NOT ORIGINAL. Signature column of the author of this document bears it.

On this issues, I even cannot understand in one breathe the prosecution saying the document is original and in another breath he said proper foundation was laid for it. Do you lay any foundation for a document that is original in nature, the answer is capital No.

Now, is this document, author by this PW3 – ASP Caleb Hamid CCO, Terrorism Investigation Bureau of Force Headquarters a public document? I ask this question because it is already clear to me that it is a photocopy. My answer is that it is a public document. See section 102 (iii) of the Evidence Act 2011. The section provides the definition of a public document as follows:

“Documents forming the official Acts or record of an official Acts of

- (1) Sovereign authority official books and Tribunals***
- (2) Public officers, legislative, judicial and executives, whether of Nigeria or elsewhere.***

(b) Public records kept in Nigeria of private document.

I have said before in this Ruling, that this document I am confronted with is a Report authored and kept by the witness in his capacity as ASP, CCO, Terrorisms Investigation Bureau. So, he filed the Report as a public officer working for a public body i.e. NPF.

In the case of **FADAAHSI VS. BELLVIEW AIRLINES LTD (2001) 2 FHCLR KF**, a public document was defined as a document made by a public officer for the purpose of the public making use of it and being able to refer to it.

So, on all front, this document is a public document that need certification under section 104(1) & (2) of the Evidence Act. This was not done which make this document inadmissible. The objection of the learned Counsel to the Defendant is meritorious and therefore sustained.

The document is to be marked as tendered but rejected.

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S. B. Belgore
(Judge) 10/6/24