

IN THE AREA COUNCIL ELECTION APPEAL TRIBUNAL
OF THE FEDERAL CAPITAL TERRITORY
HOLDEN AT ABUJA

HON. JUSTICE S.B BELGORE - CHAIRMAN
HON. JUSTICE Y. HALILU - MEMBER I
HON. JUSTICE J.O ONWUEGBUZIE - MEMBER II

APPEAL NO: FCT/ACEAT/AP/08/2022
PETITION NO: FCT/ACET/EP/03/2022

BETWEEN:

PEOPLES DEMOCRATIC PARTYAPPELLANT

AND

- 1. MURTALA USMAN**
 - 2. ALL PROGRESSIVES CONGRESS (APC) RESPONDENTS**
 - 3. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)**
 - 4. CHRISTOPHER ZAKKA**
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JUDGMENT

In the matter of Election into the office of Chairman of Abuja Municipal Area Council held on the 12th of February, 2022. The Appellant herein is appealing against the decision of the Area Council Election Tribunal, Abuja.

Being dissatisfied with the judgment of the Trial Tribunal, the Appellant appealed against same vide its Notice of Appeal filed on 18th August, 2022.

In the Notice of Appeal dated the 18th August, 2022 and filed same date, Peoples Democratic Party (PDP) as Appellant challenged the decision of the Lower Tribunal upturning the election and return of Murtala Usman who was 1st Respondent.

Brief of argument dated the 8th September, 2022 was filed same date and same was served on the Respondents.

MurtalaUsman the 1st Respondent filed his brief of argument and same was adopted by his counsel, SharafaYusuff, Esq.

All Progressives Congress (APC) the 2nd Respondent filed its brief of argument and same was adopted by its counsel, Hassan Liman, SAN.

Permit me to mention here that both counsel for the 4th Respondent Chief Karina Tunyan, SAN, and Aminu Esq. conceded to the Appeal filed by Peoples Democratic Party (PDP).

The reliefs sought by the Appellant are herein enumerated, as follows:-

- a. An Order allowing this appeal in its entirety.
- b. An Order setting aside the decision of the Area Council Election Tribunal nullifying the declaration and return of the Appellant and the 4th Respondent as the winners of the 12th day of February, 2022 Abuja Municipal Area Council Chairmanship Election.
- c. An Order affirming and/or restoring the results and/or decision of the 3rd Respondent which declared the Appellant and the 4th Respondent as the winners of the 12th day of February, 2022 Abuja Municipal Area Council Chairmanship Election.

And for such further Order(s) as this Honorable Appeal Tribunal may deem fit to make in the circumstance of this appeal.

Appellant filed reply briefs to the respective Respondents' briefs. Filed on the 15th September, 2022 and 14th September, 2022 respectively.

Kehinde Ogunwumiju, SAN, for the Appellant (PDP) formulated two issues for determination, to wit;

1. **Whether the trial Tribunal was right when it accorded probative value to the election results tendered by the 1st and 2nd Respondents and proceeded to prefer them to the election results tendered by the 3rd and 4th Respondents which established that**

the Appellant and the 4th Respondent won the Election in issue? (Distilled from grounds 3, 5, 6, 7, 8, 10, 11, 12, 21, 22, 23, 24, 25 and 26 of the Notice of Appeal filed on 18th August, 2022.)

2. Whether the Trial Tribunal was right when it found that the 1st and 2nd Respondents proved their petition and proceeded to grant the reliefs sought by them? (Distilled from ground 1, 2, 4, 13, 14, 15, 16, 17, and 18 of the Notice of Appeal filed on 18th August, 2022.

On the part of 1st Respondent, counsel formulated two issues for determination in his brief of argument, to - wit;

- a. Whether the Trial Tribunal was right when it placed more value on certified true copies of Form EC8As tendered by the 1st and 2nd Respondents which were certified 5 days after the election and Forms EC8As tendered by Nigerian Police, Nigerian Security and Civil Defense, All Progressives Grant Alliance and Peoples Redemption Party as against certified true copies of the same documents tendered by the 4th Respondent certified 3 months and 11 days after election. (Grounds 3, 5, 6, 7, 8, 10, 11, 12, 21, 22, 23, 24, 25 and 26).
- b. Whether the Trial Tribunal was right when it held that 1st and 2nd Respondents proved their joint Petition on preponderance of

Evidence and declared the 1st Respondent winner of the election. (Grounds 1, 2, 4, 13, 14, 15, 16, 17 and 18).

2nd Respondent on their part, filed Respondent's brief of argument dated the 11th September, 2022 and filed same date. Wherein two (2) issues were formulated by 2nd Respondent for determination in their brief of argument, as follows:-

- a. **Whether the Trial Tribunal was not right when it accorded probative value to the Election Results tendered by the 1st and 2nd Respondents and proceed to prefer them to the Election Results tendered by the 3rd and 4th Respondents (Grounds 3, 5, 6, 7, 8, 10, 11, 12, 21, 22, 23, 24, 25 and 26 of the Notice of Appeal)**

b. **Whether the Trial Tribunal was not right when it found that the 1st and 2nd Respondents proved their Petition and proceeded to grant the Reliefs sought in the Petition. (Grounds 1, 2, 4, 13, 14, 15, 16, 17 and 18) of the Notice of Appeal.**

You will recall that during the hearing of the appeal, counsel had agreed that same be consolidated with the other appeals touching on the election of Abuja Municipal Area Council (AMAC) Chairmanship held on the 12th February, 2022.

Without delving into the issues raised by counsel for the respective parties in this appeal, having allowed the appeal in No. FCT/ACEAT/AP/01/2022, and set aside the

judgment of the lower Tribunal which was the basis of this appeal, it suffices therefore to hold that instant appeal has considered merit and accordingly hereby succeeds. The further determination of the issues in this appeal which have been determined under the lone issue in the considered appeal No. 01/22 becomes unnecessary.

Consequently, the instant appeal No. **FCT/ACEAT/AP/08/2022** will abide by the decision of this Court in Appeal No. **FCT/ACEAT/AP/01/2022**.

**HON. JUSTICE S.B BELGORE
(CHAIRMAN)
1ST OCTOBER, 2022**

**HON. JUSTICE Y. HALILU
HON. JUSTICE J.O ONWUEGBUZIE**

(MEMBER I)
1ST OCTOBER, 2022

(MEMBER II)
1ST OCTOBER, 2022