

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS WEDNESDAY THE 19TH DAY OF MAY, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/341/2022

BETWEEN:

COMMISSIONER OF POLICE..... COMPLAINANT

AND

BELLO SANI.....DEFENDANT

Court: this matter is for hearing.

Defendant present in court while the prosecution absents.

Court: this matter was assigned to this court since the 21-10-2022 being a matter transferred from Hon. Justice EleojoEnenche. A vacation Judge 3. The matter was mentioned and the defendant was not admitted to bail before transfer to this court. For trial.

The matter upon the transfer to this court was mentioned on the 14-12-2022 on this date the defendant was in court and represented by one TerungwaAnande while the prosecution was not in court and the matter adjourned to 2-2-2023.

On the 2-2-2023 the defendant was in detention at the correctional centre and was not brought to the court and the court ordered the Registrar of this court to notify the prosecution of the next date to enable them produce the defendant from the correctional centre so as for him to take his plea and then adjourned to 8-02-2023.

On the 08-02-2023 the defendant was present in court and represented by the same counsel while the prosecution was still absent but wrote a letter for an

adjournment to the court, which was shown to the prosecution who had no objection and the defendant decided to move his application for the bail of the defendant. The bail was granted and the matter adjourned to 22-03-2023.

On the 22-03-2023, the defendant was present in court, and as usual the prosecution was still absent and this matter was again adjourned to 4-5-2023 for hearing.

On the 4-5-2023 the defendant was in court while the prosecution was still absent and no letter at all to the court to explain his absence and this matter was again adjourned to today for hearing.

Here, we are today, the defendant is present in court but the prosecution was still absent despite having been notified by the court on the date of hearing being today.

There must be an end to litigation, on this I wish to refer to the provision of the section 35, of the ACJA 2021 which provides thus.

“where the case is called, the defendant appears voluntarily in obedience to the summons or is brought before the court under a warrant and the complainant having to the satisfaction of the court, had one notice of the time and place of hearing does not appear in person or in the manner authorising by a written, law, the court must dismiss the complaint”

From the record of this court as stated above, it seems the prosecution is not ready to prosecute this matter to its logical conclusion and as such this court will help the prosecution to do justice to the case.

As stated earlier, there must be an end to litigation.

In view of the foregoing the case No CR/341/2022 BETWEEN COP VS BELLO SANI & 1 or is hereby struck out and the defendant is discharged for lack of diligent prosecution and now free to step down.

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HON JUSTICE A. Y. SHAFI