

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA

BEFORE HIS LORDSHIP: HON. JUSTICE Y. HALILU

COURT CLERKS : JANET O. ODAH & ORS

COURT NUMBER : HIGH COURT NO. 13

CASE NUMBER : CHARGE NO: CR/795/2020

DATE: : MONDAY 27TH JANUARY, 2025

BETWEEN:

COMMISSIONER OF POLICE COMPLAINANT

AND

EX-SGT AKOLO SABO DEFENDANT

RULING

Idachaba:-Case is for definite hearing. We are constrained to seek adjournment because the O/C legal is still trying to get the witnesses attend court... this should be the last adjournment, my lord.

Edison:- We object to the application. This case has suffered adjournments all at the instance of the Prosecution.

This same situation came up at the last adjourned date when Prosecution informed the Court that he will assemble witnesses today. We rely on Section 351 of ACJA, 2015.

We urge the Court to strike-out the charge, discharge the Defendant.

Idachaba:- Adjournment is at the discretion of this Court. We rely on ***NIGER TRANSPORT COMPANY LTD.***

COURT:-

I agree with Edison, Esq. on the need to strike-out the charge and discharge the Defendant for want of prosecution pursuant to Section 251 of ACJA, 2015 and in view of the fact that there is no

diligence to prosecute this charge, Defendant being presumed innocent under our law, he shall enjoy the said presumption of innocence.

Charge No. **CR/795/2019** filed and left unattended-to is hereby struck-out.

Defendant is hereby discharged.

Justice Y. Halilu
Hon. Justice
27th January, 2025

APPEARANCES

Defendant in Court

U. Idachaba, Esq. with **B.O. Ekperobe, Esq.** – for the Prosecution.

Edison Richard, Esq. – for the Defendant.