

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

CLERK: CHARITY ONUZULIKE
COURT NO. 15

SUIT NO: FCT/HC/CR/192/19
DATE: 25/01/2021

BETWEEN:

COMMISSIONER OF POLICE.....PLAINTIFF

AND

ADAMU MAMUDA & 1 OR.....DEFENDANT

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

These Defendants who have pleaded not guilty to the charge of armed robbery are AdamuMamuda&Abah Umar.

Since their arraignment in Court on 9/10/19, the prosecutor had stopped appearing in Court. The Court sat in this case to enable the prosecutor present their witness on 9/11/19 and 10/3/20 without the prosecutor doing so.

The record of this Court shows hearing notices served on the prosecutor. The last one was the one served on 17/11/20 against today's date.

Now, the learned defence Counsel – Miss M. Aggrey applied for the Defendants to be discharged pursuant to **S.351 of the Administration of Criminal Justice Act, 2018.**

I have considered the simple application. **S.351 of ACJA** reads:

“When the case is called the Defendant appeared 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 authorised by a written law, the Court may dismiss the complaint.”

I have reflected deeply on the above provision of the law. I am satisfied that the Prosecutor/Complainant is duly aware of today’s date and are not in Court as was the case on the previous occasion. For this reason, I find merit in this application and it is hereby granted.

These two (2) Defendants are hereby discharged under **S.351 of ACJA**& the complaint against them dismissed.

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S. B. Belgore
(Judge)25/1/21