

**IN THE HIGH COURT OF JUSTICE OF THE F.C.T.**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT ZUBA, ABUJA**

**ON TUESDAY THE 13<sup>TH</sup> DAY OF FEBRUARY, 2024**

**BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA**  
**JUDGE**

**SUIT NO.: FCT/HC/BW/CR/61/2021**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA      ----    COMPLAINANT**

**AND**

**1. ISHOLA RONKE**  
**2. ISHOLA O. SUNDAY**  
**3. EMMANUEL OLUWASEYI OLAMIJULO**      }    **DEFENDANTS**

## **JUDGMENT**

In this case the Defendants, Ishola Ronke and 2 Others were arraigned by this Court on a 7 Count Charge on offence under Section 1 of the Dishonoured Cheques Offences Act, Cap 11, Laws of the Federation of Nigeria, 2004 and on offence under Section 312 of the Penal Code, Section 322, 332 of the Penal Code, 364 of the Penal Code and 136 of the Penal Code. They pleaded Not Guilty. The matter was yet to go into full trial. But

today, the Prosecution who instituted the Suit had applied for the withdrawal of same. The Defendants' Counsel naturally conceded. The Defendants' Counsel wants the Defendants to be discharged and acquitted. The Prosecution Counsel opposed that. The Nominal Complainant, Best Osamuyi – Loan Recovery Officer of Lapo Microfinance Bank, confirmed that the parties have settled.

The Prosecution Counsel anchored his application on the provision of **S. 108 (1) & (5) ACJA 2015**. The Defendants' Counsel anchored his application for discharge and acquit on the provision of **S. 108 (5) ACJA 2015**.

It is the law that a party who had filed a Suit (criminal) has a right to withdraw same based on the instruction of the Attorney General of the Federation. This is so because it is the State that prosecutes a party not the Nominal Complainant. Besides, crimes are deemed committed against the State not against the Nominal Complainant per se.

This Court had noted the application of the 2 Counsel – Prosecution Counsel and Defendants' Counsel. This Court feels and strongly holds too that since the parties has decided to amicably settle their dispute and have come today to voice that out and to notify the Court, that it will be in the best interest of justice to discharge but also to acquit the Defendants since the Nominal

Complainant had confirmed that he has fully settled with the Defendants.

So based on that this Court hereby grants the application to withdraw the case against the Defendants, Ishola Ronke, Ishola O. Sunday and Emmanuel Oluwaseyi Olamijulo but also acquits them of all the Charges brought against them in this Suit today the 13<sup>th</sup> day of February, 2024.

**This is the Bench Judgment of this Court.**

**Delivered today the \_\_\_ day of \_\_\_\_\_ 2024 by me.**

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**K.N. OGBONNAYA**  
HON. JUDGE