

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE GWAGWALADA JUDICIAL DIVISION**

**HOLDEN AT GWAGWALADA- ABUJA**

**THIS WEDNESDAY THE 16<sup>TH</sup> DAY OF JANUARY, 2023**

**BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI**

**SUIT NO: FCT/HC/CR/221/2022**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT**

**AND**

**NOAH DALLAJI NUHU..... DEFENDANT**

Court: this case is adjourned for Arraignment.

Parties not in court.

This matter was assigned to this court dated the 7-06-2022 and received by the registrar of this court dated the 15-6-2022 and 14-7-2022 was set for arraignment, and parties were not in court and it was thus adjourned to 22-9-2022, still parties were not in court and then re-adjourned to 26/10/2022, same applied as none of the parties were in court and the matter was then adjourned to 5<sup>th</sup> December, 2022. On this date the court advised the registrar to call the counsel on the next date of arraignment and the matter was adjourned to 16-1-2022.

On this date the court clerk put a call to the prosecutor one Malik D. Taiwo NB Special Technical Squad NPF FCT command, who told the court clerk that the investigation police officer who investigated this matter told him that they are not interested in prosecuting this matter.

On this I wish to state that, the proper good of any court of law is the attainment of justice, irrespective of the disposition or approach of a party to the prosecution or in defence of the matter placed before the court.

In applying this principle and in complying with section 353(1) of the ACJA 2015 which provides thus

**“Where the case is called and neither the prosecutor nor the defendant appears or the defendant appears and the prosecutor does not appear, the court shall make such order as the Justice of the case requires.**

Applying the above provisions of the ACJA and section 396(5) of the ACJA 2015 which provides thus:

**“section 396(4)**

**Where day to day trial is impracticable after arraignment no party shall be entitled to more than five adjournments between trial to judgment provided that the interval between each adjournment shall not exceed 14 working days.**

In view of the two provisions of the ACJA, 2015 I shall not hesitate to strike out this case for delayed prosecution on the part of the prosecution.

Hence this case is hereby struck out from the court list.

**SIGNED**

**JUDGED**

**16/2/2023**