

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT GARKI, ABUJA**

**CLERK: MRS VICTORIA SILAS ADINOYI  
COURT NO. 9**

**SUIT NO: FCT/HC/M/1342/2025  
DATE: 4/2/2025**

**BETWEEN:**

**INSPECTOR GENERAL OF POLICE..... APPLICANT**

**AND**

1. FRANCIS ADETUNJI CONDE
2. ELIZABETH & ESTHER LIMITED
3. ELIEST LOTTO NIG LTD
4. CONDE FRANCIS ADETUNJI
5. ELIEST LOTTO COLLECTION
6. ELIEST LOTTO
7. CONDE AJOKI AMUDAY
8. ADETUNJI CONDE
9. PROVIDUS BANK
10. FAIRMONEY MICROFINANCE BANK
11. FCMB BANK
12. GUARANTEE TRUST BANK PLC
13. UNION BANK PLC
14. ZENITH BANK PLC

**RESPONDENTS**

**RULING**

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

This application vide a Motion *Ex-parte* number M/1342/2025, at the instance of the Inspector General of Police prayed this Court for the following reliefs:

1. **AN ORDER** of this Honourable Court directing the 9<sup>th</sup> to 14<sup>th</sup> Respondents to Post No-Debit on various Account Numbers specified in the schedule below and operated by the 1<sup>st</sup> to 8<sup>th</sup> respondents, for the purpose of an ongoing investigation by the applicant.

NAMES	BANK	ACCOUNT NAME	ACCOUNT NUMBER(S)
FRANCIS ADETUNJI CONDE	FCMB BANK	FRANCIS ADETUNJI CONDE	0845500038, 0845500014 & 0845500021
ELIZABETH & ESTHER LIMITED	FCMB BANK	ELIZABETH & ESTHER LIMITED	1955022014
ELIEST LOTTO NIG LTD	POLARIS BANK	ELIEST LOTTO NIG LTD	1771396070
ELIEST LOTTO NIG LTD	PROVIDUS BANK	ELIEST LOTTO NIG LTD	1300081773
CONDE FRANCIS ADETUNJI	UNION BANK PLC	CONDE FRANCIS ADETUNJI	0038898357
ELIEST LOTTO COLLECTION	FCMB BANK	ELIEST LOTTO COLLECTION	2002733020
ELIEST LOTTO	UNION BANK PLC	ELIEST LOTTO	0038695037
CONDE AJOKÉ AMUDAY	POLARIS BANK	CONDE AJOKÉ AMUDAY	1011293396
ADETUNJI CONDE	16. FAIRMONEY MICROFINANCE BANK	ADETUNJI CONDE	8147745373
CONDE AJOKÉ AMUDAY	GT BANK PLC	CONDE AJOKÉ AMUDAY	0245784414

2. **AN ORDER** of this Honourable Court directing the 9<sup>th</sup> to 15<sup>th</sup> Respondents to furnish the Applicant with the Account Statement, Account Opening Package and any other relevant documents of the

bank accounts listed in the above schedule for the purpose of investigation.

3. **AND FOR SUCH FURTHER ORDER(S)** as this Honourable Court may deem fit to make in the circumstances of this case.

The grounds upon which the application is premised are as follows:

- (a) That the Applicant is the head of the Nigerian Police Force and has a statutory duty of prevention and detection of crime through investigation.
- (b) That there is a petition to the office of the Inspector General of Police against the defendants bothering on various criminal offences to wit; Conspiracy, fraudulent misrepresentation, criminal breach of trust and obtaining money by false pretence.
- (c) That the Applicant has a constitutional duty to investigate crimes and enforce law and order and preservation of life and prosperity.
- (d) That the proceeds of Crime being the value for which the stolen funds are deposited into the various accounts under reference.
- (e) The accounts in respect of which the reliefs are sought is the subject matter of investigation, enquiry and examination by the Police Force.
- (f) There is need to preserve the status quo of the property mentioned herein pending the conclusion of investigation against the defendants.
- (g) That our investigations into the matter may not be fruitful if the relieves sought herein is not granted.

In support of the application are the following processes:

- (1) An Affidavit of Urgency of 6 – paragraph deposed to by one Gergori Woje, and dated 3/2/2025.
- (2) A supporting affidavit of 13 paragraph also deposed to by the same Gergori Woje and dated the same 3/2/2025. There are 3 Exhibits attached i.e. NPF1, NPF 2 & NPF 3.
- (3) A written address by the applicant’s Counsel dated 31/1/2025.

A shortwhile ago, learned Counsel to the applicant, Eristo Asaph Esq., moved the application *brevi manu*. He relied on all the processes filed including the 3 Exhibits and adopt the written arguments as his submission in urging the Court to grant the application.

I have taken deep reflection on this application by perusing the contents of the two(2) affidavits and the written submissions of Counsel.

My initial instinct is to ask the question; Is this application grantable in law?

The applicants is relying on section 44(2) (B) and (k) of the 1999 Constitution (as amended) and section 4 of the Police Act 2020; sections 9(1) (2) (3) of PROCEEDS OF CRIME (RECOVERY & MANAGEMENT) ACT 2022.

What do these statutory laws provides:

**Section 44(2) (B) and (k) of 1999 Constitution (as amended) reads:**

***“Nothing in subsection 1 of this section shall be constructed as affecting any general provision”***

**(b) for the imposition of penalties or forfeitures for the breach of any law, whether under Civil process after conviction for an offence.**

**(k) relating to the temporary taking of possession of the property for the purpose any examination, investigation or enquiry”**

**Section 4 of the Police Act 2020 provides:**

**“The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria as may be required of them by, or under the authority of this Act or any other Act”**

**Section 9 (1) (2) (3) of Proceeds of Crime (Recover and Management) Act, 2022 says:**

**“(1) A preservation order shall be granted by the Court to preserve property reasonably suspected to have been derived from unlawful activities and represents instrumentality of unlawful activity or unclaimed property.**

**(2) The relevant organization may, by an exparte application, apply to the Court for a preservation order restraining a person from dealing in any manner with any property, subject to such conditions and exceptions as may be specified in the order.**

**(3) The Court shall make an order under subsection (2), where there are reasonable grounds to believe that the property concerned.**

A literal interpretation of the above provisions shows that the Police in the discharge of their responsibility to curb crime or criminal activities can take steps to aid their investigation activities. They can also revert to Court to give them legal backing or lawful orders to ensure they carryout their duties effectively.

Even the provisions of the law quoted above empowers them to make the application *Ex-parte*.

On these positions and submission of Counsel, I agree entirely with him. Even the cases of **NWAIGWE VS. FRN (2009) 16 NWLR (PT. 1166) 161; AKINGBOLA VS. CHAIRMAN EFCC (2012) 9 NWLR (PT. 1306) 475;** as cited by learned Counsel to the applicant are germane and relevant to these proceeding. The Court in **AKINGBOLA'S Case (Supra)** held:

***“The Court has power to grant interim injunction to the police for the preservation of the proceeds of crime in the public interest. It is the duty of the police to enforce the law of the land. It is its duty once it knows of has reason to believe that goods have been stolen or unlawfully obtained to do its best to discover and apprehend the thief and to recover the goods. Corresponding to that duty, it has a right or at any rate an interest on behalf of the public to seize those goods and detain them pending trial of the offender and to restore them in due course to the owner. In pursuance of that duty and of that right and interest, it can apply to the magistrate for a search warrant and to a High Court for an injunction.”***

NWAIGWE's case (Supra) put it bluntly thus;

***“the only mandatory condition precedent for the grant of an ex parte order to freeze an account or attach a property is the prior attachment by the law enforcement authority. It does not depend on whether or not any charge has been preferred against the suspect in Court.”***

It is therefore for reasons of everything said above that I consider this application as most deserving of favour consideration. I have no hesitation in doing so and I so do accordingly. In effect, this application is granted as prayed.

The caveat is that the applicant is to report back to the Court the state of their investigative activities vis-a-vis the subject matter of this case and the Defendants by the next adjourned date which is now fixed for 3/3/2025.

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**S. B. Belgore**  
(Judge) 4/2/2025