

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

**CHARGE NO: FCT/ABJ/CR/417/2019**

**MOTION NO: M/0021/2023**

**DATE: 30/10/2024**

**BETWEEN:**

**INSPECTOR GENERAL OF POLICE.....COMPLAINANT**

**AND:**

- |   |   |                   |
|---|---|-------------------|
| <ol style="list-style-type: none"><li>1. ENGINEER BEN ODUM</li><li>2. CHIEF FABIAN NWAORA</li><li>3. OBINNA AJOKU (SAN)</li><li>4. EFAB PETROLEUM LTD.</li><li>5. OZONE NIGERIA LTD. – at Large</li><li>6. ZAKHEM NIGERIA LTD. – at Large</li></ol> | } | <b>DEFENDANTS</b> |
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**R U L I N G**

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

On 5/10/2024, the learned Prosecuting Counsel sought to be put in evidence, the photocopy of a Certified True Copy of a letter Zakhem Nigeria Ltd wrote to the Inspector General of Police listing how and when the Defendants were paid.

The 1<sup>st</sup> Defendant's Counsel, Mrs. Joy Etiaba objected to the admissibility of the document in evidence. She anchored her objection on two grounds:

- (1) The document is a photocopy and only original of a CTC document is admissible.

- (2) The bundle attached to the CTC document is not front loaded because they are not listed as part of the document to be put in evidence.

She then urged me to reject the document in evidence.

2<sup>nd</sup> Defendant's Counsel, Etiaba SAN was similarly inclined. He further referred to section 379 (a) (v) of Administration of Criminal Justice Act (ACJA) and submitted that any document not listed in the proof of evidence cannot be brought to Court.

Furthermore, he added that section 104 of Evidence Act was not complied with in that the name, status date of the certifying officer was not shown in the document. The learned Silk urged me to reject the document and marked it as tendered but rejected. He cited the cases of **KASSIM VS. STATE (2011) LPELR 42586 SC; ARAKA VS. EGBUE (2013) LPELR 523 SC.** 3<sup>rd</sup> Defendant's Counsel also pitched his tent with the 1<sup>st</sup> Defendant's Counsel and the SAN for the 2<sup>nd</sup> Defendant.

In a short reply, P. A. Amada of Counsel to the prosecution argued that the photocopy of a CTC document is admissible in evidence. He cited the cases of **BELLO MAGAJI VS. NIG. ARMY (2008) NWLR (PT. 1089) 225; DAILY TIMES VS. WILLIAMS (1986) 4 NWLR (PT. 36); INTERNATIONAL BANK NIG. LTD VS. DABIRI (1998) 1 NWLR (PT. 583) 284.**

Continuing further, the prosecuting Counsel submitted that a proper look at the letter via the certification column shows that Cosmos Anyanwu as the person that did Certified the letter, as Head of Litigation of FCID with seal of Police with 20/10/2018 as the date of certification. He also argued that the document was amply listed and front loaded.

I have considered the arguments both for and against in this objection. I have also taken a very hard and close look at the document under scrutiny. I straight away confirm that the name,

position, date and of relevant information of the person that certified the document are clearly put in it.

Also, the document with the attachment are properly listed or front loaded.

The big issue is whether or not the photocopy of a CTC of a document is admissible in evidence. The two sides have submitted divergent views. Which one is correct? I have read all the authorities cited by the prosecution and the learned SAN. The point is that the vex issue of a photocopy of a CTC document has been properly laid to rest by the Supreme Court. I refer to **AJIBOLA VS. TALABI & ANOR (2022) LPELR – 57353 (CA)**. The Court of Appeal referring to Supreme Court’s decision in **INTERNATIONAL BANK NIG. LTD VS. DABIRI & 2 ORS. (Supra)**, held;

“.....  
.....  
***Photocopy of a Certified True Copy of a public document need no further certification under Section 111 of the Evidence Act.***

So, since the Supreme Court has settled the seemingly divergent view by the Court of Appeal and trial judges, I am bound by the decision of the Supreme Court in **INTERNATIONAL BANK VS. DABIRI (Supra)** as followed by the Court of Appeal in **AJIBOLA VS. TALABI (Supra)**.

In essence, this document is admissible in evidence and I therefore do. The photocopy CTC of letter written by Zakhem Construction Nig. Ltd on 3<sup>rd</sup> August 2015 and addressed to the Deputy Commissioner of Police, Criminal Investigation & Intelligence Department, Zone 5 Headquarter, Benin City is hereby admitted in evidence and marked as Exhibit ‘A’.

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**S. B. Belgore**  
(Judge) 30/12/2024