

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

THIS DAY OF FEBRUARY, 2025

BEFORE HIS LORDSHIP HON. JUSTICE JUDE.O.ONWUEGBUZIE

SUIT NO.: FCT/HC/CR/200/23
MOTION NO.:M/4690/24

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA-----
COMPLAINANT/RESPONDENT

AND

ORACLE CHUKWUDI
NWALA.....DEFENDANT/APPLICANT

RULING

INTRODUCTION

By a motion on notice dated the 23rd day of February, 2024 and filed on the 27th day of February, 2024. The Defendant/Applicant prays the Court for the following reliefs:

1. AN ORDER of this Court quashing the charges brought against the Defendant herein for want of jurisdiction as an allegation bothering on professional misconduct is not economic or financial crime and is within the remit of Legal Practitioners Disciplinary Committee (LPDC) and not the EFCC.

OR IN THE ALTERNATIVE

2. AN ORDER of the Court foreclosing the Prosecution from further proceeding with the matter and striking out the case for lack of diligent prosecution, the Prosecution having exhausted the number of adjournments allotted to them by law.
3. ANY OTHER ORDER or Orders as the Honourable Court may deem fit to and appropriate to make in the circumstances.

The GROUNDS of this Application are:

1. That the petition that gave rise to the charge against the Defendant/Applicant is based on an allegation of not carrying out or not carrying out instructions in a lawyer/client relationship which is an alleged professional misconduct for the LPDC to deal with and not within the purview of the Economic and Financial Crime Commission (EFCC) to investigate or prosecute.
2. That the EFCC are only charged to investigate and prosecute economic and financial crimes and not any other alleged crime or alleged professional misconduct.
3. That the nominal complainant on whose behalf the petition was written has settled with the Defendant since 12th day of June, 2020 to the apparent knowledge of the EFCC, yet they chose to bring this charge in 2023.
4. That the provisions of the Administration of Criminal Justice Act, 2015 is clear that parties are not exhaust more than five adjournments throughout the trial. Whereas the Respondent has exhausted five (5) adjournments without even opening their case at all.
5. That the presumption is that when the prosecution charges a matter to court that it has concluded investigations and is amply prepared to speedily prosecute the case with a reasonable time in line with the dictates of the Nigerian constitution.

The Motion is supported with 18 paragraph affidavit deposed to by the Applicant himself. Attached with the affidavit is Exhibit A' Exhibit B, and Exhibit C respectively. In compliance with the rules of this court, the application filed a written address as his legal argument in support of his application.

THE DEFENDANT/APPLICANT'S CASE

THE COMPLENANT/RESPONDENT'S CASE

COURT'S ANALYSIS

COURT'S DECISION