

IN THE HIGH COURT OF JUSTICE OF THE F.C.T.
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO, ABUJA
ON THURSDAY, THE 26TH DAY OF SEPTEMBER, 2024
BEFORE HIS LORDSHIP: HON. JUSTICE ABUBAKAR HUSSAINI MUSA
JUDGE

SUIT NO.: FCT/HC/CV/454/2019

BETWEEN:

HRM SIR LAWRENCE ARINZE

CLAIMANT

AND

MR JOHN ONWUAZOR

DEFENDANT

JUDGMENT

This Judgment is on the suit of the Claimant which he brought against the Defendant seeking general and aggravated damages, compensation and public apology for malicious prosecution and defamation of the Claimant's character.

On the 27th day of November, 2019, the Claimant took out a Writ of Summons dated the 25th day of November, 2019 against the Defendant claiming the following reliefs:-

1) *A total sum of One Billion Naira (₦1,000,000,000.00) as follows:-*

- a) *Damages for malicious prosecution – ₦400,000,000.00 (Four Hundred Million Naira only);*
- b) *Damages for defamation of Plaintiff's character – ₦200,000,000.00 (Two Hundred Million Naira only);*
- c) *Damages for violation of the Plaintiff's fundamental rights – ₦400,000,000.00 (Four Hundred Million Naira only).*

2) *Public apology to the Plaintiff in three Nigerian daily newspapers.*

This suit has a chequered history. It was originally assigned to my learned brother, Peter Affen, J. (as he then was, now JCA) by the then Honourable Chief Judge, Honourable Justice Ishaq Usman Bello (Rtd) on the 3rd of December, 2019. Following the elevation of my learned brother, Affen, J. (as he then was, now JCA) to the Court of Appeal in 2021, the case file was re-assigned to this Honourable Court *vide* a transfer order executed by the Honourable, the Chief Judge of this Honourable Court, the Honourable Justice Hussein Baba Yusuf on the 10th day of January, 2022.

The matter came up in this Court for the first time on the 23rd day of June, 2022. None of the parties was in Court on that day. This Court had to adjourn the suit to the 13th of October, 2022 for hearing and ordered that hearing notices be served on all the parties herein. The same situation iterated on the 13th of October, 2022, impelling the Court to adjourn to the 6th of December, 2022.

Though both parties were absent in Court on the 6th of December, 2022, learned Counsel ChukaEgbo Esq. appeared for the Claimant. On that day, he moved his application brought *vide* a Motion *Ex Parte* with Motion Number M/1169/2022. The motion sought two specific reliefs and one omnibus relief. The two specific reliefs were “(1) *An Order granting the Applicant leave to serve hearing notices and all other processes in this suit on the Defendant by pasting same on the entrance door of Jurist Legal Consult, No. 9 Kayes Street, opposite DBM Plaza, Wuse Zone 1,*

Abuja being the address within jurisdiction given by Defendant's Counsel in his Memorandum of Appearance dated 4th March, but filed on 6th March, 2020; (2) an Order deeming all processes of Court in this suit served on the Defendant henceforth by this mode of service as good and proper service on the defendant." Two exhibits, marked **Exhibits A and B**, were attached to the application. These were the Memorandum of Appearance Counsel for the Defendant filed in this suit as well as the affidavit of non-service deposed to by Counsel for the Claimant. Counsel for the Claimant moved in terms of the application. This Court heard the application and granted the reliefs as prayed. The matter was then adjourned to the 15th of February, 2023 for hearing.

On the 15th of February, 2023, the Claimant took the witness box to open his case. Testifying as PW1, the Claimant, HRM Sir Lawrence Arinze, having affirmed to tell the truth, was led by his lawyer, ChukaEgbo, Esq., to adopt his Witness Statement on Oath. He continued his evidence-in-chief on the 29th of March, 2023.

In his evidence, the PW1 described himself as a traditional ruler, a Paul Harris Fellow of Rotary International, a Knight of the Church, a legal practitioner with offices at Aba and Abuja, the Patron of Peoples Club of Nigeria and a member of the Club for forty-three years at the time the suit was filed. The Defendant, according to the witness, was a trader at Ogidi Building Materials Market, who resided at No. 11 Omeagana Street, Odakpu, Onitsha, Anambra State and a member of the Peoples

Club of Nigeria from Onitsha Branch who was suspended for embezzlement of the funds of the Club.

The witness swore that while under the suspension, the Defendant and his cohorts unleashed unrest in the Club, necessitating the Club to institute a legal action against them. According to him, the High Court of Anambra State in the suit with Suit Number HID/379/18 made an order of interlocutory injunction on the 19th of December, 2018 restraining the Defendant and his partners from interfering with the discharge of the functions of the office of the President which was occupied at that time by one Chief Sir R.O.C. Ekedozie.

The witness further testified that the Defendant in October, 2018 lodged a direct criminal complaint at the Magistrate Court sitting at Ogidialleging that the Claimant and eight others stole over ₦8,000,000.00 (Eight Million Naira only) allegedly belonging to the Club, adding that the Defendant never bothered to report the fact of the alleged stolen funds to the police which was saddled with the task of criminal investigations. He further swore that the Defendant was neither a trustee nor was he mandated by the Board of Trustees to institute the criminal proceedings against the Claimant.

The PW1 swore that the Magistrate Court sitting at Ogidi, Anambra State summoned him to appear before it on the strength of the direct criminal complaint in Charge Number MID/691c/2018, adding that he travelled to Anambra State from Abuja to attend his trial. He averred that his law practice suffered as a result of the trial, his

dignity besmirched and his honour despoiled by reason of the criminal trial which was widely published in print, electronic and social media and read by members of the Club and the generality of Nigerians in Nigeria and outside Nigeria.

He narrated under oath how he considered the offensiveness of the trial and wrote a petition to the Honourable Attorney-General of Anambra State. He stated on oath that the Honourable Attorney-General reviewed the circumstances of the entire case and entered a *nolleprosequi*, thereby terminating the legal proceedings. He swore that the Magistrate on the 12th of November, 2019 struck out the Charge following the entering of the *nolleprosequi*. He further swore that he suffered financial loss, mental torment and immense impairment to his reputation and standing as his friends and members of the society saw him as a thief and an untrustworthy person because of the Defendant's false and malicious allegation and prosecution.

In the course of his evidence-in-chief, he tendered and the Court admitted a number of documents in evidence. These are: photocopy of the notice of suspension dated the 1st of June, 2018, the record of proceeding of 12th of November 2019 wherein the Claimant was discharged at the Magistrate Court, Ogidi, Anambra State, petition from the Claimant to the Honourable Attorney-General of Anambra State dated the 2nd of November, 2018, the criminal summons to the Defendant dated the 15th of November, 2018, a court order dated the 18th of December, 2018, affidavit of fact dated 16th of October, 2018, writ of summons dated 7th of December, 2018 and publications with certificate of compliance. These documents were marked

respectively as **Exhibits A1, B1, C1, D1-D4, E1-E3, F1-F2, G1-G3, H1-H19 and I1-I14.**

Upon the close of examination-in-chief of the PW1 on the 29th of March, 2023, the Court adjourned the suit to the 30th of May, 2023 for cross-examination. On the 30th of May, 2023, neither the Defendant nor his Counsel was in Court. The Court had to adjourn to the 3rd of October, 2023 for cross-examination of the PW1. The Court did not sit on the 3rd of October, 2023; but it sat on the 7th of November, 2023. The Claimant's Counsel was in Court but neither the Defendant nor his Counsel was in Court. Upon an application to that effect from learned Counsel for the Claimant, this Court foreclosed the Defendant from cross-examining the PW1. The matter was then adjourned to the 18th of January, 2024 for the Defendant to open his defence.

On the 18th of January, 2024, learned Counsel for the Claimant informed the Court that the reason the Defendant was not in Court on that day was because he was not served with the hearing notice against that date. The Court therefore ordered that hearing notice be served on the Defendant and then adjourned to the 21st of February, 2024 for defence.

The Court did not sit on the 21st of February, 2024. It however sat on the 18th of April, 2024. On that date, the Claimant's Counsel was in Court but the Defendant was not in Court and was not represented by Counsel. Counsel informed the Court that the Defendant was aware of the hearing date having been served with the hearing notice against that date. He therefore applied that the Defendant be foreclosed from

defending the suit. The Court upon being satisfied that the Defendant was indeed served with the hearing notice granted the application. The Court further adjourned the suit to the 6th of June, 2024 for adoption of final written addresses.

On the 6th of June, 2024, Counsel for the Claimant informed this Court that though the dated was slated for adoption of final written addresses, the Defendant was not served with the hearing notice against that date. He further applied for adjournment to enable the Claimant do the needful. The Court granted the application and adjourned the suit to the 9th of July, 2024. The Court sat on the 9th of July, 2024. The Claimant appeared in person along with another lawyer from his law firm. The Defendant, as had become the pattern, was not in Court and not represented by Counsel. Having satisfied the Court that the Defendant had been served with the hearing notice against that date, the Court proceeded to take arguments from Counsel for the Claimant as he adopted his Final Written Address.

In his Final Written Address which was dated and filed on the 6th of May, 2024, the Claimant through his Counsel formulated the following sole issue for determination: *“Whether having regard to the pleadings and evidence placed before the Court the Plaintiff has proved his case by preponderance of evidence as to be entitled to his claims in this suit.”*

In his argument on this sole issue, learned Counsel prefaced his submissions by drawing the attention of the Court to the fact that the case of the Claimant was neither challenged nor contradicted, noting that the Defendant abandoned his

pleadings. He cited the cases of ***Buraimoh v. Bamgbose (1989) 3 NWLR (Pt. 109) 352; Nwabuoku v. Ottih (1961) 2 SCNLR 232; Elizabeth Mabamije v. Hans Wolfgang Otto (2016) 13 NWLR (Pt. 1529) 171 at 179, Audu v. Okeke (1998) 3 NWLR (Pt. 542) 373 Ratio s6 and 7, Newbreed Org. Ltd v. Erhomosele (2006) 2 KLR (Pt. 210-212) 815.***

He submitted further that the standard of proof where evidence is not challenged is minimal. He referred to ***Onyiorah v. Onyiorah (2019) 15 NWLR (Pt. 1695) 227 at 245 -246.*** Citing ***Din v. African Newspapers of Nigeria Ltd (1990) 3 NWLR (Pt. 139) 392*** and ***Lanre v. State (2019) 3 NWLR (Pt. 1660) 506 at 517, paras D-F,*** he maintained that facts not disputed were deemed admitted. It was his case, too, that the Defendant did not cross-examine the witness of the Claimant. He submitted that the failure of the Defendant to cross-examine the witness of the Claimant also constituted an admission of the evidence of the Claimant. He relied on ***Rabiu v. State (2013) 8 NWLR (Pt. 1357) 585*** in this regard.

Learned Counsel prayed the Court to award damages to the Claimant, having found that the case of the Claimant was not challenged. He relied on ***Agu v. General Oil Ltd (2015) 17 NWLR (Pt. 1488) 327, MTN (Nig.) Communication Ltd v. Corporate Communication Investment Ltd (2019) 9 NWLR (Pt. 1678) 427 para B.*** He urged the Court, in conclusion, to resolve the sole issue formulated in the Final Written Address in favour of the Claimant and to grant all the reliefs sought in the Writ of Summons.

The above is the case of the Claimant. As I have noted earlier, the Defendant, though he filed his Statement of Defence, did not lead evidence in support of his pleadings. The evidence of the Claimant is therefore unchallenged. Considering the reliefs sought in this suit, I have identified four issues for determination. These are:

“(1) Whether the Claimant has established his case for malicious prosecution; (2) Whether the Claimant has established his case for defamation; (3) Whether the Claimant has established a breach of his fundamental rights; and (4) Whether the evidence of the Claimant, though unchallenged, is able to ground the reliefs sought in the suit”.

I shall begin with the first issue, to wit, **“Whether the Claimant has established his case for malicious prosecution”**. The *terminus a quo* in the resolution of this issue is an explication of the tort of malicious prosecution. According to the foremost law lexicon, Black’s law Dictionary (8th edition, 2004) page 3041, the tort of malicious prosecution is defined as **“The institution of a criminal or civil proceeding for an improper purpose and without probable cause”**. In *Ojo v. Okitipupa Oil Palm Plc (2001) 9 NWLR (Pt. 719) 679 CA at 696, para F*, the Court of Appeal adopted this definition when it explained that **“A prosecution can be said to be malicious if the defendant had malice against the plaintiff and pursued the malice by reporting the matter to the police, a matter which has no iota of evidence to support prosecution. Thus, the report and the prosecution are all founded on vendetta on the part of the defendant.”**

To succeed in an action for malicious prosecution, the Claimant must establish the following elements: (i) malice; that is, the Claimant must show that the Defendant acted with ill will or recklessness, without a reasonable belief in the validity of the claim; (ii) lack of probable cause; that is, that the Defendant did not have sufficient evidence to support the claim; (iii) initiation of proceedings; that is, the Claimant must show that the Defendant initiated or continued the legal proceedings or laid the complaint to the law enforcement agency which undertook the prosecution; (iv) termination of the proceedings in favour of the Claimant; that is, the Claimant must show that the proceedings ended in the favour of the Claimant. The termination must be an acquittal of the Claimant and not merely a discharge of the Claimant. What this presupposes is that the Judgment of the Court terminating the proceedings must be a Judgment on the merits after evidence have been taken; and (v) damages. That is, the Claimant must show that they suffered harm or injury as a result of the malicious prosecution.

In the case of *UAC (Nig.) Plc v. Sobodu* (2007) 6 NWLR (Pt. 1030) 368 CA at 390 paras B-F, the Court of Appeal identified the ingredients of malicious prosecution as follows:-

***“The ingredients to be established for the tort of malicious prosecution have been aptly pronounced upon by our Nigerian superior courts (including the Supreme Court) and we do not have to cross the sea and go to the English or European Courts to find them.*”**

It has been settled that for an action for malicious prosecution to succeed, the plaintiff must plead and prove the following:

- (a) that he was prosecuted by the defendant, that is, the defendant set the law in motion against the plaintiff, leading to a criminal charge;***
- (b) that as a result of the prosecution, the plaintiff was discharged and acquitted;***
- (c) that the prosecution by the defendant was completely without reasonable and probable cause;***
- (d) that the prosecution was a result of malice by the defendant against the plaintiff.***

All these ingredients must be proved concurrently in order to establish liability for malicious prosecution.”

This principle has been applied in a number of decisions such as ***Ismaila v. Garba (2020) 16 NWLR (Pt. 1750) 302 CA at 316-317, paras D-A, 319, paras G-H.***

It is the case of the Claimant as made out in Court that the Defendant instituted a criminal action against him. He tendered **Exhibit E1-E3** and **Exhibit G1-G3** in this regard. **Exhibit E1-E3** is the summons to the Defendants in Charge Number MID/691C/2018. The Defendants were the Claimant and eight others. They were charged with stealing the sum of ₦8,766,880.00 (Eight Million, Seven Hundred and

Sixty-Six Thousand, Eight Hundred and Eighty Naira only) being the property of People's Club of Nigeria International. **Exhibit G1-G3** is the affidavit of facts in support of the complaint. The facts deposed therein contained the facts which the Defendant verily believed to constitute the offence of stealing contained in **Exhibit E1-E3**. The afore-stated amount of money, according to the Defendant, were the earnings that accrued to the People's Club of Nigeria International between the 6th day of November, 2016 when the Claimant forcibly broke into the national headquarters of the Club to the 26th day of July, 2018. He claimed to be aware of the facts by virtue of his position as the Chairman of the National Management Committee of the Club.

Though the Claimant established that indeed the Defendant instituted a criminal proceeding against him under direct criminal complaint which was brought under sections 99, 100, 101, 168 and 171 of the Administration of Criminal Justice Law of 2010 of Anambra State, **Exhibit G1-G3** did not evince malice and absence of probable cause on the part of the Defendant.

The Claimant claimed that the criminal proceeding terminated in his favour. In support of this averment, the Claimant tendered **Exhibit B1, C1** and **D1-D2**. **Exhibit B1** is the record of proceeding in Charge Number MID/691C/2018 on the 12th of November, 2019. I shall reproduce the relevant passages of **Exhibit B1**:

“Defendant Counsel: The matter was adjourned today for discharge. Today, they are complete, the AG has entered Nolle, which is in Court's file.

“Court Ruling: In line with the Nolle issued by the Honourable the AG on 7th day of June, 2019. The Defendants are hereby discharged. Charge No. 691C/18 is struck out.”

The *NolleProsequi* is before this Court as **Exhibit C1**. It was dated the 7th of June, 2019. It is instructive to note that the *NolleProsequi* was entered following the petition of the Claimant to the Attorney-General of Anambra State. That petition is before this Court as **Exhibit D1-D2**. The Claimant’s Counsel had complained that the criminal charge against the Claimant was baseless and unfounded. He stated *inter alia* in **Exhibit D1-D2** that *“We therefore wish to state that there is no ground for the said private criminal trial in the Magistrate Court, Ogidi because these cases are already pending within the categories of lispendis as lawyers will say.”* Though this Court is precluded from inquiring into the merits or otherwise of a *Nolleprosequi* entered by the Honourable Attorney-General of Anambra State, it is my considered view that it was not in the place of the learned Counsel for the Claimant to arrive, as he did in the petition, to the conclusion that the charge was without basis. That function is within the exclusive purview of judicial function. It is only the Court that can arrive at a determination of a case before it upon a considered evaluation of evidence proffered before it in prove of the allegation. See ***Akinsanya v. Soyemi (1998) 8 NWLR (Pt. 560) 49 CA at 58, paras D-F; I.N.E.C v. Atuma (2013) 11 NWLR (Pt. 1366) 494 SC at 532, para. C; 533-534, paras. E-C; Yankey v. Austin (2021) 1 NWLR (Pt. 1757) 227 CA at 251, para E.***

The entering of a *nolleprosequi* merely terminates a criminal proceeding. The effect of the entering of a *nolleprosequi* is the discharge of Defendant; it does not translate to an acquittal. This is eloquently so because an acquittal or a conviction is possible only after the court has considered the evidence before it in arriving at the guilt of otherwise of the Defendant. See ***Prince Abubakar Audu v. Attorney-General of the Federation & Anor (2013) 8 NWLR (Pt. 1355) 175 SC at 205-206, paras. E-B per Chukwuma-Eneh, J.S.C.*** where the Court explained the concept of *nolleprosequi* and the effect of entering of same on a criminal matter pending in a court thus:

“It is clear that the Attorney-General of the Federation and the Attorney-General of Kogi State, each of them, have filed the two nolleprosequis (meaning will not prosecute) in this case. This is a voluntary withdrawal by both Attorneys General not to proceed any further with the indictment as preferred against the accused person in this case. They have accordingly put an end to the matter of the prosecution of the accused person although it is not a bar or an acquittal on the merits...”

The Magistrate Court sitting at Ogidi, Anambra State understood this elementary aspect of criminal law when it ruled, guardedly, in Exhibit B1 thus: *“The Defendants are hereby discharged. Charge No. 691C/18 is struck out.”* What are the legal effects of the words “discharged” and “struck out”? When a defendant in a criminal matter is discharged before the taking of evidence, such as in this case where the Honourable

Attorney-General of Anambra State entered a *nolleprosequi*, the discharge does not amount to an acquittal. Where the discharge is made after the evidence in the matter has been taken, such as where a no case submission is upheld, the discharge will amount to an acquittal. See ***Suberu v. State (2010) 1 NWLR (Pt. 1176) 494 CA at 515, paras B-C.***

What this means is that the entering of a *nolleprosequi* does not satisfy the requirement of the law of malicious prosecution that the termination must be in favour of the Defendant as the guilt or otherwise of the Defendant in the criminal case at the Magistrate Court sitting at Ogidi, Anambra State (now, the Claimant in the case before me), was not arrived at upon a considered evaluation of the evidence before the Court. In fact, there is no evidence before this Court that established that evidence was taken. It is my considered view that the Claimant has failed to establish this critical element in an action for malicious prosecution.

On whether the Claimant suffered damages in the course of the criminal proceedings, this Court hastens to answer this question in favour of the Defendant. A Defendant in a criminal trial is obligated to attend Court to defend themselves of the criminal charge. This is without prejudice to the provisions of the Administration of Criminal Justice Law which enables the Court to continue a criminal trial in the absence of the Defendant. Because the criminal trial in Charge Number MID/691C/2018 did not end in an acquittal, I hold that the Claimant did not suffer any damages as a result of the trial.

It is in view of the foregoing that I hasten to resolve the first issue against the Claimant.

I shall now move on to the second issue I have formulated herein, to wit: “**Whether the Claimant has established his case for defamation**”. Defamation is defined at page 1260 of the Black’s Law Dictionary (8th edition, 2004) as “**1. The act of harming the reputation of another by making a false statement to a third person. If the alleged defamation involves a matter of public concern, the plaintiff is constitutionally required to prove both the statement’s falsity and the defendant’s fault. 2. A false written or oral statement that damages another’s reputation.**” In A Textbook of the Law of Tort § 72, at 242 (5th ed. 1950), the learned author, P. H. Winfield, defined the tort of defamation as “**Defamation is the publication of a statement which tends to lower a person in the estimation of right-thinking members of society generally; or which tends to make them shun or avoid that person.**” It is also defined as a statement which tends to lower the person in the estimation of right-thinking members of society, or exposes the person to hatred, contempt or ridicule. According to the learned authors of Tort Law (Longman, 2005), McBride and Bagshaw, “**a statement is defamatory if reading or hearing it would make an ordinary, reasonable person tend to: (i) think less well as a person of the individual referred to; (ii) think that the person referred to lacked the ability to do their job effectively; (iii) shun or avoid the person referred to; or (iv) treat the person referred to as a figure of fun or an object of**

ridicule.” This definitions were adopted by the court in the case of ***The Sun Publishing Ltd. v. Dumba (2020) 2 NWLR (Pt. 1708) 325 CA at 339, paras G-H*** and ***Abalaka v. Akinsete (2023) 13 NWLR (Pt. 1901) 343 SC at 367-368, paras. H-A*** among other cases.

To establish the tort of defamation, a Claimant must establish the presence of three elements. These elements are: (i) that the statement complained of was defamatory; (ii) that the statement referred to the Claimant; and, (iii) the statement was published. Though proof of damages is not required in the case of libel, since the tort of defamation *vis-à-vis* libel is actionable *per se*, where the form of defamation complained of is slander, the Claimant must show that they have suffered some form of damages beyond the loss of reputation. This is without prejudice to some form of slander that is actionable *per se*. See ***Abalaka v. Akinsete (2023) 13 NWLR (Pt. 1901) 343 SC at 368, paras. D-F***. In ***The Sun Publishing Ltd. v. Dumba (2020) supra at 339-340, paras G-C*** where the Court held *inter alia* that:-

“Therefore the meaning of defamatory words either libel or slander must be based on untruth. In establishing a claim of defamation, specifically libel which is in a permanent form as in the present case by newspaper, the law requires the plaintiff to plead and reproduce the alleged libelous words/statement(s) in the pleadings, and show proof/evidence of publication of the libelous words/statement(s), in a manner that the plea/defence of justification or privilege cannot avail the defendant. See Independent Newspapers Ltd. v.

Idiong(2012) All FWLR (Pt. 647) 677; Guardian Newspaper Ltd. v. Ajeh(2011) 10 NWLR (Pt. 1256) 574; Egbe v. Adefarasin (No. 2) (1987)1 NWLR (Pt. 47) 1 and Access Bank Plc v. Muhammad (2014) 6NWLR (Pt. 1404) 613 at 616.

For a statement to be defamatory, the imputation must tend to lower the claimant in the estimation of right-thinking members of society generally. Even if the words published damaged a person in the eyes of section of society or community, they are not defamatory unless they amount to a disparagement of the reputation in the eyes of right thinking people generally. There must be proof that the statement had the effect of lowering him in the estimation of right thinking members of the society or for him to be shunned by them."

Now, how has the Claimant in this case been able to establish his claim for defamation? In paragraphs 11, 12, 15 and 19 of his Witness Statement on Oath which was filed alongside his Amended Writ of Summons, he referred to the Direct Criminal Complaint which the Defendant took out against him wherein the Defendant alleged that the Claimant had embezzled the funds of the Club. He also swore that the Defendant caused the trial to be published globally in both electronic and print media as well as on new media. In support of his testimony he tendered and the Court admitted documents which were marked **Exhibits C1, D1-D2, E1-E3, G1-G3 and Exhibit I1-I4.** **Exhibit C1** is the *NolleProsequi* from the Honourable Attorney-General of Anambra State. **Exhibit D1-D2** is the petition from the Claimant to the Honourable Attorney-General of Anambra State complaining of the Defendant's

Direct Criminal Complaint. **Exhibit E1-E3** is the criminal summons issued by the Magistrate Court sitting in Ogidi, Anambra State against the Claimant. **Exhibit G1-G3** is the Defendant's affidavit of facts in support of the criminal complaint. **Exhibit I1-I4** is the WhatsApp post, the attached criminal summons, that is, **Exhibit E1-E3** as well as a Certificate of Compliance with section 84(4) of the Evidence Act, 2011.

I have already evaluated **Exhibits C1, D1-D2, E1-E3** and **G1-G3** in my resolution of the first issue. That leaves us with **Exhibit I1-I4** which is the alleged publication of the defamatory statement. At the head of the exhibit is PCNI Global. This is presumably the acronym for People's Club of Nigeria International Global. It is also the name of the WhatsApp group of the Club. A message is displayed on the first page. It is from the Defendant. The message reads thus:

"TO: All members of PCNI worldwide.

Please see attached court summons against Barrister Arinze and his group over my complaint of stealing over ₦8Million made against them.

Chief John C. Onwazor

Onitsha Branch"

The attached document the Defendant referred to is **Exhibit E1-E3**. The conundrum this Court has to unravel is whether **Exhibit I1-I4** is defamatory. The WhatsApp post from the Defendant was in the form of a notice to the members of the Club informing

them that he had instituted a criminal charge against the Claimant. He attached **Exhibit E1-E3** in prove of his claim.

I have stated earlier that **Exhibit E1-E3** is the criminal summons issued against the Claimant at the instance of the Defendant. Do **Exhibit E1-E3**, **Exhibit I1-I4**, **Exhibit D1-D2** and **Exhibit G1-G3** qualify as defamatory statements? Does the notification issued to the members of the Club about the existence of a pending trial against the Claimant which is evinced by the attached **Exhibit E1-E3** translate to the publication of a defamatory statement against the Claimant? Do **Exhibit E1-E3**, **Exhibit I1-I4**, **Exhibit D1-D2** and **Exhibit G1-G3** refer to the Claimant? While I hasten to answer the first two questions in the negative, I have no doubt in my mind that the answer to the third question is in the affirmative. In *The Sun Publishing Ltd. v. Dumba (2020)*, *supra at 340, para B*, the court noted that “**Generally, for a statement to be defamatory, the imputation must tend to lower the claimant in the estimation of right-thinking members of society. Even if the words published damaged a person in the eyes of a section of society or community, they are not defamatory unless they amount to a disparagement of the reputation in the eyes of right-thinking people.**”

In an action for defamation, the business of the Court is not to occupy itself with the subjective sensitivity of the Claimant. On the contrary, the objective perception of the reasonable man is the guiding guardrail that must chaperon the Court in arriving at the determination of whether a statement complained of is, as a matter of fact,

defamatory. In other words, the statement the Claimant complained of being defamatory is not defamatory simply because of how the statement makes the Claimant to feel; but, rather, it is defamatory if the impression it is likely to make on the minds of those reading is such that it lowers the reputation of the Claimant in the eyes of right-thinking members of the society. See =====.

A claim for defamation is founded on the falsity of the statement alleged to be defamatory. See **Alawiye v. Ogunsanya (2004) 4 NWLR (Pt. 864) 486 CA at 517, paras A-H** where the Court identified “**falsity or lack of accuracy of the words complained of**” as one of the ingredients of the tort of defamation. Instructively, the criminal complaint against the Claimant at the Magistrate Court sitting at Ogidi was not determined on the merits; it was terminated by the Honourable Attorney-General of Anambra State by virtue of the NolleProsequi he entered. Thus, the falsity of the statement by the Defendant that the Claimant embezzled over ₦8,000,000.00 (Eight Million Naira only) belonging to People’s Club of Nigeria International could not be determined by the Magistrate Court sitting at Ogidi.

As I have noted earlier, **Exhibit I1-I4** was a notice to the members of the Club as to the pendency of a criminal case against the Claimant. It is my humble view, therefore that **Exhibits I1-I4, Exhibit E1-E3, Exhibit D1-D2** and **Exhibit G1-G3** are not defamatory in nature. They are statements made by way of notification to the members of the Club as to the pendency of a criminal trial. This is notwithstanding the fact that the statements referred to the Claimant.

This conclusion becomes all the more compelling when one considers **Exhibit F1-F2** and **Exhibit H1-H19**. **Exhibit F1-F2** is an enrolled order of the High Court of Anambra State in Suit Number HID/379/2018 and pursuant to the Motion with Motion Number HID/1693M/2018 wherein the Court restrained the Defendants therein, which included the Defendant herein, from interfering with the functions of Chief R. O. C. Ekedozie as the President of the Club and also from receiving the funds of the Club pending the determination of the suit. **Exhibit H1-H19**, on the other hand, is the Writ of Summons in Suit Number HID/379/2018. It is therefore safe to extrapolate, without referring to the abandoned pleadings of the Defendant, that there is a leadership crisis in the Club and, as in all leadership crises, there is no limit to which the disputants will not go and there are no sacred grounds they will not traverse to gain an advantage over the other party. This includes deploying the machinery of the administration of justice. I do not therefore see anything defamatory in **Exhibits I1-I4, Exhibit E1-E3, Exhibit D1-D2** and **Exhibit G1-G3**. I so hold.

It remains to be added that statements made in any court process, or contained in any court process, or made in the course of judicial proceedings such as those disclosed in **Exhibit E1-E3, Exhibit D1-D2** and **Exhibit G1-G3** are covered by the defence of absolute privilege. The defence of absolute privilege protects makers of otherwise certain defamatory statements because the law in those circumstances, considers that in the circumstances covered by the defence free expression is more important than protection of reputation. In the case of judicial proceedings,

statements made by the judge, or by the jury in jurisdictions where jury trial is provided for, or by the witnesses, or by the lawyers, or by the parties themselves are protected by this defence. See ***Ojeme v. Punch (Nig.) Ltd (1996) 1 NWLR (Pt. 427) 701 CA at 711-712, paras H-B; Iloabachie v. Iloabachie (2000) 5 NWLR (Pt. 6560 178 CA at 210, para D;***In ***Amaonwu v. Ahaotu (1998) 9 NWLR (Pt. 566) 454 CA at 467, paras E-F*** the Court quoted with approval the provisions of Article 381 of Gatley on Libel and Slander where the learned author states that

“Absolute privilege attaches the following statements –

- (1) statements made in the course of judicial proceedings;***
- (2) statements made in the course of quasi-judicial proceedings;***
- (3) statements contained in documents in judicial or quasi-judicial proceedings;***
- (4) statements made by one officer of state to another in the course of his official duty.”***

In view of these, therefore, I hereby resolve the second issue here against the Claimant. Now, on to the third issue.

The third issue is this: ***“Whether the Claimant has established a breach of his fundamental rights”***. The Claimant seeks “damages for violation of” his “fundamental rights” in the sum of ₦400,000,000.00 (Four Hundred Million Naira only). Obviously in support of his claim for damages for the breach of his

fundamental rights, the Claimant swore in paragraphs 13 and 14 of his Witness Statement on Oath in support of his Amended Writ of Summons thus:

“13. That I was compelled by the said court summons and criminal trials to leave my law practice and travel to Anambra State from Abuja several times against my wish, thereby depriving me of my liberty to be at any other place and do any other thing at those days and times.

14. That my dignity was thoroughly degraded as I was subjected to mental torture by standing in the dock to face shame, expense and rigours of criminal trial.”

Though he did not state which of his fundamental rights was, or were breached, the above averments point to an alleged breach of his right to personal liberty and his right to dignity of the human person. Sections 34 and 35 deal with the right to dignity of the human person and the right to personal liberty. The sections provide thus:

Section 34:

“(1) Every individual is entitled to respect for the dignity of his person, and accordingly –

(a) no person shall be subject to torture or to inhuman or degrading treatment;

(b) no person shall be held in slavery or servitude; and

(c) no person shall be required to perform forced or compulsory labour.

(2) for the purposes of subsection (1) (c) of this section, "forced or compulsory labour" does not include –

(a) any labour required in consequence of the sentence or order of a court;

(b) any labour required of members of the armed forces of the Federation or the Nigeria Police Force in pursuance of their duties as such;

(c) in the case of persons who have conscientious objections to service in the armed forces of the Federation, any labour required instead of such service;

(d) any labour required which is reasonably necessary in the event of any emergency or calamity threatening the life or well-being of the community; or

(e) any labour or service that forms part of –

(i) normal communal or other civic obligations of the wellbeing of the community.

(ii) such compulsory national service in the armed forces of the Federation as may be prescribed by an Act of the National Assembly, or

(iii) such compulsory national service which forms part of the education and training of citizens of Nigeria as may be prescribed by an Act of the National Assembly.”

Section 35:

“(1) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law –

(a) in execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty;

(b) by reason of his failure to comply with the order of a court or in order to secure the

fulfilment of any obligation imposed upon him by law;

(c) for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence;

(d) in the case of a person who has not attained the age of eighteen years for the purpose of his education or welfare;

(e) in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community; or

(f) for the purpose of preventing the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto:

Provided that a person who is charged with an offence and who has been detained in lawful custody awaiting trial shall not continue to be kept in such detention for a period longer than the maximum period of imprisonment prescribed for the offence.

(2) Any person who is arrested or detained shall have the right to remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice.

(3) Any person who is arrested or detained shall be informed in writing within twenty-four hours (and in a language that he understands) of the facts and grounds for his arrest or detention.

(4) Any person who is arrested or detained in accordance with subsection (1) (c) of this section shall be brought before a court of law within a reasonable time, and if he is not tried within a period of –

(a) two months from the date of his arrest or detention in the case of a person who is in custody or is not entitled to bail; or

(b) three months from the date of his arrest or detention in the case of a person who has been released on bail, he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date.

(5) In subsection (4) of this section, the expression "a reasonable time" means –

(a) in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometres, a period of one day; and

(b) in any other case, a period of two days or such longer period as in the circumstances may be considered by the court to be reasonable.

(6) Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or

person; and in this subsection, "the appropriate authority or person" means an authority or person specified by law.

(7) Nothing in this section shall be construed –

(a) in relation to subsection (4) of this section, as applying in the case of a person arrested or detained upon reasonable suspicion of having committed a capital offence; and

(b) as invalidating any law by reason only that it authorises the detention for a period not exceeding three months of a member of the armed forces of the federation or a member of the Nigeria Police Force in execution of a sentence imposed by an officer of the armed forces of the Federation or of the Nigeria police force, in respect of an offence punishable by such detention of which he has been found guilty."

As to what constitutes a breach of the right to dignity of the human person, the Court in *NdukaEziegbo & Anor v. ASCO Investment Ltd & Anor (2022) LPELR-56864(SC)* per Mohammed Lawal Garba, JSC at Pp. 6-7, paras. B-A explained that:

"... the provisions in Section 34 (1) (a) guarantee respect for the dignity of the person of all persons in Nigeria and that a person shall not be subjected to torture or to inhuman or degrading treatment. This is one, and in deed the second of the fundamental right provided for and

guaranteed by the Grundnorm and Fountain of all laws in Nigeria. See Rabi v. The State (1980) 8 11 SC, 130, A.G., Bendel State v. A.G., Federation (1981) 10 SC, 7 at 132 - 134, (1982) 3 NCLR, 1, under Chapter IV for all persons (Nigerians and others living in Nigeria). Accordingly, no other person/s and/or authority in Nigeria shall subject a person or person to any form of torture; physical, psychological, mental, etc., inhuman or other degrading treatment, but shall accord due respect for the dignity of the person/s. See Fawehinmi v. Abacha (1998) 1 HRLRA, 541, Uzoukwu v. Ezeonu (1991) 6 NWLR (pt. 200) 708."

Speaking to the constitutional guarantee of the right to personal liberty, the Court *per Garba JSC at 10, paras. D-F of NdukaEziegbo & Anor v. ASCO Investment Ltd & Anor (2022), supra* held that

"For the purpose of these provisions, personal liberty, put simply connotes freedom and autonomy of movement at will without any hindrance or restraint; physical or otherwise and the right not to be subjected to any wrongful restraint, arrest or any other physical confinement whether in an enclosure or open space in a manner which does not accord with the law or admit any legal justification. It may also mean freedom to do what a person pleases within the ambit of the law without any hindrance or restraint."

The Claimant was standing trial for the offence of stealing as contained in the complaint of the Defendant before the Magistrate Court sitting at Ogidi and in the criminal summons issued by the same court. I find it difficult to see how standing trial for the alleged offence translates to a breach of the afore-stated rights. Expanding the horizon of the definition of the breach of the rights guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 beyond the notion recognized in Chapter IV will result in ridiculously subjective conceptualization of what constitutes a breach of the rights. This Court refuses to be drawn into such jurisprudential tailspin.

Besides, the suit of the Claimant borders on tortious liability. Having found that the Claimant has been unable to make out his entitlement to the reliefs for malicious prosecution and defamation against the Defendant, it will be incongruous for this Honourable Court to find for the Claimant in the ancillary relief of infringement of his fundamental rights. See **Gov., Kwara State v. Lawal (2007) 13 NWLR (Pt. 1051) 347 CA at 387, paras G-H, Traxys Europe SA v. Basem El Ali &Ors (2022) LPELR-57434(CA) at 20-22, paras. D-C.**

It is in view of this therefore that I have no hesitation in resolving the third issue herein against the Claimant.

I shall now zero in on the fourth issue, *videlicet*: “**Whether the evidence of the Claimant, though unchallenged, is able to ground the reliefs sought in the suit**”. I have observed with interest the submissions of learned Counsel for the

Claimant in the Claimant's Final Written Address. Learned Counsel dedicated the entire volume of the Final Written Address to urge this Court to give Judgment in favour of the Claimant merely because the Defendant abandoned his pleadings and failed to challenge the suit of the Claimant either by way of adverse pleadings or by way of cross-examination. Interestingly, learned Counsel for the Claimant did not proffer any legal argument on the sustainability of the Claimant's claims for malicious prosecution, defamation and enforcement of the fundamental rights of the Claimant.

Indeed, the law is settled that where a party to a suit has the opportunity to challenge the averments of the other party but failed to do so; or where they had the opportunity to challenge the suit of the other party, either by filing adverse processes in opposition or by way of cross-examination, that party is deemed to have admitted the case as set up by that other party. In **Lagos State University & Anor v. Taiwo Adegboyega Ganiyu (2022) LPELR-56873(CA) at 24-26, paras. D-A, Obande Festus Ogbuinya, JCA (as he then was, now, JSC)** explained the principle in this graphic and self-explanatory dictum:

“It is imperative to observe, pronto, that the record, the bedrock of the appeal, revealed that the appellants were duly served with all the processes encompassed in the respondent's application. Curiously, the appellants, in their infinite wisdom, failed to file a counter-affidavit or any process to neutralise the critical averments in the application. Put simply, the appellants starved the lower Court of any evidence

refuting the allegations levelled against them. In essence, the crucial averments in the respondent's affidavit were not controverted. In eyes of the law, those pungent depositions remained unchallenged. The law grants the Court the unfettered liberty to act on unchallenged affidavit, see Olofu v. Itodo (2010) 18 NWLR (Pt. 1225) 545; Uzodinma v. Izunaso (No.2) (2011) 17 NWLR (Pt. 1275) 30; Eyiboh v. Abia (2012) 16 NWLR (Pt. 1325) 51; Tukur v. Uba (2013) 4 NWLR (Pt. 1343) 90; Inegbedion v. Selo-Ojemen(2013) 8 NWLR (Pt. 1356) 211; Danladi v. Dangiri (2015) 2 NWLR (Pt. 1442) 124; APC v. INEC (2015) 8 NWLR (Pt. 1462) 531; Ezechukwu v. Onwuka (2016) 5 NWLR (Pt. 1506) 539; Owuru v. Adigwu (2018) 1 NWLR (Pt. 1599) 1. The caustic effect of the appellants' costly neglect is plain. They failed to deflate the respondent's claim of ownership of the Toyota bus. In the mind of the law, in the absence of a counter-affidavit, the appellants admitted in toto all the respondent's assertions inclusive of his ownership of the Toyota bus. What is admitted does not need further proof. In the presence of the undiluted admission, the lower Court paid due allegiance to the law when it granted the respondent's reliefs relating to the seized Toyota bus.”

The principle that facts not controverted are deemed admitted has been codified in the Evidence Act, 2011 by virtue of section 123 thereof. The said section provides that,

“No fact need be proved in any civil proceedings which the parties to the proceedings or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings: Provided that the court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.”

The rule of pleading in force in so far as this Court is concerned is the High Court of the Federal Territory, Abuja (Civil Procedure) Rules, 2018. Order 15 Rule 5(1) thereof provides thus:

“Every allegation of fact in any pleadings if not specifically denied in the pleadings of the opposing party shall be taken as admitted except as against a person under legal disability.”

However, the Courts have warned that though the Court is obligated to act on unchallenged evidence, this power to act on unchallenged evidence must not be exercised at large. In other words, and if I am to put it plainly, the unchallenged evidence the Court must act on must be cogent, credible and compelling. In the case of *Ogoejefo v. Ogoejefo (2006) LPELR-2308 (SC)*, the apex Court held that ***“...It is also the law that the unchallenged and uncontroverted facts deemed admitted in the affidavit must be capable of proving and supporting the case of the appellant as the applicant. In other words, the evidence contained in the***

unchallenged affidavit must be cogent and strong enough to sustain the case of the applicant.” This principle was further fleshed out in the case of ***Ramawa v. NACB Consultancy & Finance Co. Ltd. & Anor (2006) LPELR-7606(CA)*** where the Court of Appeal per Kekere-Ekun JCA (as he then was, now, Ag. CJN) followed this principle when it laid down the conditions that must be fulfilled before the court can act on unchallenged affidavit evidence thus:-

“There is a plethora of authorities in support of the general position of the law that evidence or averments in an affidavit that are not denied are deemed admitted and the court ought ordinarily to act on them. See: Ajomale v. Yaduat (No. 2) 1991 5 NWLR (PT. 191) 266; Honoka Sawmill (Nig.) Ltd v. Hoff (1994) 2 NWLR (Pt. 326) 252. There is however a proviso to this general rule. Unchallenged evidence, to be accepted and relied upon by the court, must be both credible and reliable. See Egbunike v. A.C.B. Ltd (1995) 2 SCNJ 58; (1995) 2 NWLR (Pt. 375) 34 at 55 E-F; IfeanyiChukwuOsondu Co. Ltd. v. Akhigbe (1999) 11 NWLR (Pt. 625) 1 at 19 F-G. In the case of: Neka B.B.B. Mfg. Co. Ltd. V. A.C.B. Ltd. (2004) 2 NWLR (Pt. 858) 521 at 550-551 E-A. His Lordship Pats-Acholonu, JSC (of blessed memory) had this to say: “An opposing party should not be expected to challenge evidence that is hollow, empty or bereft of any substance as that would to my mind amount to chasing a shadow. I am familiar with the case of Odulaja v.

Haddad (1973) 1 ANLR 191 to the effect that an evidence not challenged by the party that had the opportunity to do so should ordinarily be believed and accorded credibility. I believe that such holding rests on the premise that such evidence is capable of being believed if not challenged. In other words when the evidence is weak in content as not to assist the court, or manifestly unreasonable or is devoid of any substance as not to help to resolve the matter in issue, it will be safe to ignore it as it does not attain the standard of credibility... It is also trite to say that the court is not in all circumstances bound to accept as true testimony an evidence that is uncontradicted where it is wilfully or corruptly false, incredible, improbable or sharply falls below the standard expected in a particular case.”

This principle has been enunciated in a number of cases such as ***COP v. Agholor (2014) LPELR-23212CA***, ***Odiong v. Assistant Inspector-General of Police (2013) LPELR-20698(CA)***, ***Statmak v. COP & Anor (2018) LPELR-46324(CA)*** and ***JMG Ltd v. Israel &Ors (2020) LPELR-50585(CA)*** among others. In ***Odiong v. Assistant Inspector-General of Police, supra***, the court held that ***“Although the facts deposed to by an applicant are not challenged by a respondent, the Court still has a duty to consider and weigh the affidavit evidence before it in order to ensure that they can ground the Order sought by the applicant...”*** I will highlight the dicta in three other cases before I bid farewell to this issue.

In *Maidara v. Halilu* (2000) 13 NWLR (Pt. 684) 257 C.A. at 268, paras F-G, the Court held that,

“It is not always the case that when a party produces unchallenged and uncontroverted evidence he is entitled to judgment. This is because unchallenged and uncontroverted evidence is not synonymous with prove by credible evidence. The unchallenged and uncontroverted evidence might be worthless or might fall far short of tilting the imaginary scale in favour of a party tendering unchallenged and uncontroverted evidence.”

In *Lufthansa Airlines v. Odiese* (2006) 7 NWLR (Pt. 978) 34 C.A. at 81 – 82, paras F – A, it was stated that,

“The principle that unchallenged/uncontradicted evidence should be accepted by the court is not at large. Therefore, it is not in all cases that unchallenged evidence of a witness will be swallowed hook, line and sinker. The requirement is that for such evidence to be accepted and relied on by the court, it has to be in line with the pleadings, cogent and credible. Thus, where evidence is unchallenged, if it is at variance with the pleadings, and not credible, it cannot form the basis of any decision that can be sustained. In fact, even in situations where evidence of special damages will rest on the ipse dixit of the plaintiff, where it is not credible though unchallenged, the fact that it

was not challenged will not improve its quality. Such unchallenged ipse dixit evidence is not an automatic proof of special damages.”

Finally, in *Martchem Industries Nigeria Ltd. v. M.F. Kent West Africa Ltd. (2005) 10 NWLR (Pt. 934) 645 S.C. at 659, paras C-G*, the Court noted that,

“Even if the evidence in a case went in one direction in that it was unchallenged, the trial court is still expected to examine whether or not the unchallenged evidence was sufficient to establish the claims made by the party in whose favour the unchallenged evidence was given. It is not in every case in which the evidence called in support of the plaintiff is unchallenged, that judgment must be given in favour of the plaintiff. On the contrary, it is possible that evidence called in support of the plaintiff's case, even if unchallenged, may still be insufficient to sustain the plaintiff's claims in that it may be so weak and so discredited under cross-examination that it was unnecessary for the defendant to testify.”

In view of the foregoing, therefore, it is not difficult to see the question that inevitably sticks out like a sore thumb: was the evidence proffered by the Claimant sufficient to ground the reliefs he seeks in this suit, even in the absence of an adverse pleading from the Defendant. A *pro forma* review of the reasoning that occasioned my resolution of the three preceding issues will readily reveal that the Claimant failed to

satisfied the requirements for the grant of the reliefs he seeks in this suit. In other words, the preconditionalities for proving malicious prosecution, defamation and breach of his fundamental rights were not met. Where a party fails to establish the ingredients of the torts he complained of, he will not be entitled to the reliefs he seeks, even where the suit is not challenged. As the Court held in ***Abalaka v. Akinsete (2023) supra at 373-374, paras. D-F; 378, paras. F-F; 380, paras. B-C*** “***If a statement complained of appears to be derogatory or disparaging or injurious to a person so as to impeach his character or reputation, it may still not amount to defamation unless the party or person complaining proves that it was false statement. Where a plaintiff has established that he was defamed by words published or caused to be published by the defendant, the onus lies on the defendant to prove the truth of the words so published. In the instant case, the appellant failed to prove the tort of defamation against any of the respondents as required by law and so, even in the absence of defence by the 1st and 2nd respondents at the trial, his claim was bound to fail.***”

I therefore have no hesitation in resolving this fourth issue against the Claimant.

In all, I find no merits in the suit of the Claimant. It is a mere fishing expedition. It is accordingly dismissed. I make no order as to costs.

This is the Judgment of this Honourable Court delivered today, the 26th day of September, 2024.

HON. JUSTICE A. H. MUSA
JUDGE
26/09/2024

APPEARANCES:

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ChukaEgbo, Esq.

FOR THE DEFENDANT:

Not in Court and not represented by Counsel