

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL HEADQUARTER
HOLDEN AT ABUJA
ON TUESDAY THE 28TH DAY OF MAY 2019
BEFORE HIS LORDSHIP HONOURABLE JUSTICE IJEOMA L. OJUKWU

JUDGE

CHARGE NO: FHC/ABJ/CR/93/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA

COMPLAINANT

AND

1. AMAJU MELVIN PINNICK
2. SUNUSI MOHAMMED
3. SEYI AKINWUMI
4. SHEHU DIKKO
5. YUSUFF AHMED FRESH

DEFENDANTS

RECORD OF PROCEEDINGS

Defendants are absent

Dr. Celsu Ukpong with M. S. Ekette for the Prosecution.

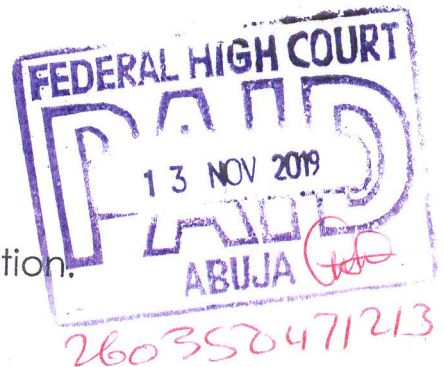
Defendants are unrepresented.

Prosecutor:

We are unable to serve the charge on the Defendants. We have filed a Motion Ex-parte in that regard.

(Mike Enahoro Ebah holding a waiting brief for the Nominal complainant. (one Mr. Peters) who wrote a petition.

FEDERAL REPUBLIC OF NGIERIA VS AMAJU MELVIN PINNICK & 4ORS | SUJT NO: FHC/ABJ/CR/93/2019



CERTIFIED TRUE COPY
FEDERAL HIGH COURT
ABUJA
13/11/19
Afeoma Joseph SAU

Prosecutor: We have tried to serve them to no avail but we believe an ex-parte application will assist us.

Court: Matter for Hearing.


Counsel: Our application is brought under Section 125 (1) & (2) of the Administration of Criminal Justice Act for leave to serve the Defendants with this charge by substituted service. We rely on the affidavit in support and written address and move in terms of the Motion paper.

Court: Having carefully considered the averments on the affidavit in support and the address of counsel in line with the law, the Court is satisfied that it is in the interest of justice to grant this application as prayed.

Application is granted as prayed.

It is further ordered that, when this mode of service is effected and upon the production of the affidavit of service by the bailiff of this Court, such service shall be deemed proper and sufficient for all purposes.

The Matter is adjourned to 1st day of July 2019 for Report of Service and arraignment.


HON. JUSTICE IJEOMA L. OJUKWU
JUDGE
28/05/2019

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL HEADQUARTER
HOLDEN AT ABUJA
ON MONDAY THE 1ST DAY OF JULY 2019
BEFORE HIS LORDSHIP HONOURABLE JUSTICE IJEOMA L. OJUKWU
JUDGE
CHARGE NO: FHC/ABJ/CR/93/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

AND

1. AMAJU MELVIN PINNICK
2. SUNUSI MOHAMMED
3. SEYI AKINWUMI
4. SHEHU DIKKO
5. YUSUFF AHMED FRESH } DEFENDANTS

RECORD OF PROCEEDINGS

Defendants are absent

Dr. Celsu Ukpong for the Prosecution.

Olawole Olaniyi for the Defendants appears with Mohammed Mustapha holding brief of Mr. M. S. Katu, apologies for the inability of the defendants to be in Court today.

Court: Where are the defendants?

Defence Counsel: By the order of Court, the defendants ought to be in Court today. However, the five (5) defendants are among the Federal

Government's team in the Africa Cup of Nations (AFCON) in Egypt. We are very sorry about that.

Prosecution:

The business of the Court today is for arraignment. If they decided to go on Jamboree, it is their business. We apply for a Bench warrant for their arrest. They are not part of the Delegates of the Federal Government.

Defence:

They are among the delegates of the Federal Government; I will produce another list.

Prosecution:

Lists the names of the Federal Government delegates and inform the Court that defendants' names are not included.

Defence:

We have a list of officials.

Court:

On the application of prosecution and in view of the submission of the parties and the Court having taken judicial Notice of the name of the 1st Defendant, Bench warrant is hereby issued for the arrest of the 2nd – 5th Defendants in this matter.

They shall be produced before the Court on the execution of the Bench warrant.

Where the Defence provides evidence that the 2nd to 5th Defendants are on any list of delegates in the said Africa Cup of Nations (AFCON) match in Egypt, the Bench warrant shall abate on the production of the list to the Prosecuting Authority.



The matter is adjourned to 26th day of
September 2019 for Arraignment and Trial.



HON. JUSTICE IJEOMA L. OJUKWU
JUDGE
01/07/2019

CERTIFIED TRUE COPY
FEDERAL HIGH COURT
ABUJA 13/11/19



IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL HEADQUARTER
HOLDEN AT ABUJA
ON THURSDAY THE 26TH DAY OF SEPTEMBER 2019
BEFORE HIS LORDSHIP HONOURABLE JUSTICE IJEOMA L. OJUKWU

JUDGE

CHARGE NO: FHC/ABJ/CR/93/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA

- COMPLAINANT

AND

1. AMAJU MELVIN PINNICK
2. SUNUSI MOHAMMED
3. SEYI AKINWUMI
4. SHEHU DIKKO
5. YUSUFF AHMED FRESH

}

DEFENDANTS

RECORD OF PROCEEDINGS

Defendants are absent.

Dr. Celsu Ukpong appears with F. K. Khamagan for the Prosecution.

Abubakar Musa Senior State Counsel Federal Ministry of Justice for the Prosecution.

Mohammed Katu with Abiola Olawole for the Defendants

Court: How come there are two (2) different prosecutors in this matter from different prosecutorial agencies?

Abubakar Musa: Pursuant to the directive of the President of the federal Republic of Nigeria, the office of the Attorney General has taken over the matters from the Special Presidential Investigation panel and we have taken over. Let the counsel respond my lord.

Dr. Ukpong: The Special Presidential Investigation Panel has been disbanded and we have handed over to the office of the Attorney General of the Federation which will do justice to this matter.

Abubakar Musa: In view of the circumstance in this case, the state is applying for time to look into the matter and report to the Court.

Court: The Matter is adjourned to 5th day of November 2019 for Report.



HON. JUSTICE IJEOMA L. OJUKWU
JUDGE
26/09/2019

CERTIFIED TRUE COPY
FEDERAL HIGH COURT
ABUJA 13/11/19



IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL HEADQUARTER
HOLDEN AT ABUJA
ON TUESDAY THE 5TH DAY OF NOVEMBER 2019
BEFORE HIS LORDSHIP HONOURABLE JUSTICE IJEOMA L. OJUKWU

JUDGE

CHARGE NO: FHC/ABJ/CR/93/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

AND

1. AMAJU MELVIN PINNICK
2. SUNUSI MOHAMMED
3. SEYI AKINWUMI
4. SHEHU DIKKO
5. YUSUFF AHMED FRESH

DEFENDANTS

RECORD OF PROCEEDINGS

Parties are present in Court

Defendants are present in Court.

Abubakar Musa Senior State Counsel Federal Ministry of Justice for the Prosecution.

M. S. Katu with Abiola Olawole for the Defendants

Prosecution: The Matter is for Report. We had earlier informed the Court that the file is with the office of the Attorney General of the Federation. It is our brief

and instruction to withdraw this charge. We apply that the Charge be struck out. We may come back.

Defence Counsel:

In as much as it is the right of the Prosecution to file and withdraw Charge. We are not objecting to the case to withdraw the Charge. We shall be asking the Court to invoke Section 355 of the Administration of Criminal Justice Act (ACJA) which provides for the effect of the nature of this application. We are urging the Court to invoke the Section 355 of the Administration of Criminal Justice Act to acquit the Defendants.

It is not the duty of the Prosecution to decide to drag citizens to Court at their whims or as they so desire.

My Lord we refer the Court to the investigation Report and findings made by the Special Presidential Investigation Panel dated 30th day of April 2019.

Everything in that report shows that the Petitioner was malicious and after due investigation, the Defendants were found not culpable. The question is, why did the Special

Presidential Investigation Panel (SPIP) charge the Defendants in view of their own findings. It is malicious and we urge the Court to discharge and acquit the Defendants.

Prosecution:

In that circumstance we have no objection. The Charge may be dismissed.

Court:

I have heard the application of the Defence and the submissions of the defence counsel and the Prosecution. It must be recorded here that this matter was adjourned today for Report at the behest of the office of the Attorney General of the Federation and Defence.

Prior to that the Defendants were charged before the Court in Charge No: FHC/ABJ/CR/93/2019. The Defendants were absent on the date slated for arraignment prior to their Report.

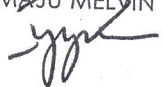
It must be stated that the Defendants have not been properly arraigned and have not taken their plea. The Panel which filed this Charge; that is to say the Special Presidential Investigation Panel, by the decision of the Court of Appeal in **TIJANI MUSA TUMSHAIT VS FRN & ANOR** Appeal

No: CA/A/278/2018 is said to have no prosecuting powers under the law. Consequently, upon the disbandment of the panel by the President of the Federal Republic of Nigeria, the case file was transferred to the office of the Attorney General of the Federation.

Today the prosecution has agreed with the defence counsel that there is a need to dismiss the charge and acquit the Defendants. Of much moment is the fact that the report of investigation of the panel then shows that the Defendants were not found culpable for the offences. It is therefore curious that they were charged.

I am convinced that, had the office of the Attorney General of the Federation found it necessary to continue the prosecution of the alleged offences, the prosecution would not have made the earlier application or agreed with the defence that the Defendants be acquitted.

Section 355 of the Administration of Criminal Justice Act (ACJA) provides that where a Complainant any time before a final order is



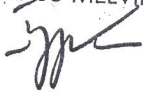
made in a case satisfies to the Court that there are sufficient grounds for permitting him to withdraw his complaint, the Court may permit him to withdraw the complaint and shall therefore acquit the Defendant.

This Honourable Court cannot in the circumstance of this case do otherwise. The law has created the proper ground to discontinue this case.

A citizen who is not found culpable for criminal infraction should be accorded the rights and privileges provided under the law and should not be kept in a legal "limbo".

It is for the above reasons that I chose to toe the line of the law and justice especially having regard to the Proof of Evidence particularly the findings of the special Presidential Investigation Panel dated 30th day of April 2019 which eminently exculpated the Defendants.

It must however be reiterated that the Defendants were not formally arraigned before this Court prior to the Application of both Prosecuting and Defence counsel.



CERTIFIED TRUE COPY
FEDERAL HIGH COURT
ABUJA 13/11/19

Premised on the above, the Charge against the Defendants is dismissed and each Defendant is acquitted in view of Section 355 of the Administration of Criminal Justice Act.



HON. JUSTICE IJEOMA L. OJUKWU
JUDGE
05/11/2019

CERTIFIED TRUE COPY
FEDERAL HIGH COURT
ABUJA 13/11/19
Ijeoma Joseph S/O