

# **KINGS LAW REPORTS**

## **(ALL SC/NOVEL CA)**

**(2007) KLR VOL 4 PART 233 pp. 1435 - 1622**

**APRIL 2007**

**Dedicated to the King of kings**

**O. O. NOEL ESQ. Chief Editor**

### **INDEX OF CASES REPORTED**

1. Attorney-General of the Federation v. Abubakar p. 1435
2. Federal Republic of Nigeria v. Adewunmi p. 1575
3. Iyoho v. Effiong p. 1599

## **ii INDEX OF SUBJECT MATTER IN (2007) 4 KLR**

ACTIONS - Constitutional law - Counter claims - Declarations thereunder that have merit - Will be granted by the Supreme Court - While dismissing the rest of the claims (H10) A-G Federation v. Abubakar p. 1435

ACTIONS - Lis - Existence of - Where 1st respondent's claim - And evidence on record show good cause of action - Existence of a lis is established (H2) A-G Federation v. Abubakar p. 1435

ACTIONS - Lis or cause of action - Meaning of - Includes controversy - Plaintiff must show the injury he sustained - And an interest that is above that of the general public (H1) A-G Federation v. Abubakar p. 1435

APPEALS - Issues - Grounds of appeal - Abandonment - Where no issues were formulated - In relation to some grounds - They will be struck out as abandoned (H4) Iyoho v. Effiong p. 1599

CONSTITUTIONAL LAW - Appeals - Vice President - While still in office - Cannot openly criticize the President - Or join another political party - As wrongfully held by the lower court (H8) A-G Federation v. Abubakar p. 1435

CONSTITUTIONAL LAW - Federal Government - Single executive - Implications - Vice President's relationship with the President - Should be one of unity throughout their joint term in office (H7) A-G Federation v. Abubakar p. 1435

CONSTITUTIONAL LAW - Impeachment - Jurisdiction - Removal of Vice President from office - Is the National Assembly's duty - Under s. 143, 1999 Constitution - The court has no jurisdiction to declare the office vacant (H9) A-G Federation v. Abubakar p. 1435

CONSTITUTIONAL LAW - Impeachment - Powers - Vice President - Performs roles assigned by the President - Unlike the Ministers President

cannot remove him from office - It is through impeachment by the National Assembly - Under s. 143 1999 Constitution (H6) A-G Federation v. Abubakar p. 1435

CONSTITUTIONAL LAW - Interpreting the Constitution - Courts' approach - Is to follow established principles - Which include taking circumstances of our people into consideration (H5) A-G Federation v. Abubakar p. 1435

COURTS - Leave - Regularity of - Certiorari - Where High Court granted leave for the order - Before time limited for appeal had expired - The leave was irregular and incompetent - As rightly held by Court of Appeal (H3) Iyoho v. Effiong p. 1599

CRIMINAL PROCEDURE - Charges - Amendment - Statutes - Failed Banks Tribunal - Where the original charge before Tribunal was validly instituted - Amendment of it before the court - Pursuant to new statutory provisions - Does not make it a new charge - As was wrongfully held by Court of Appeal (H2) FRN v. Adewunmi p. 1575

CRIMINAL PROCEDURE - Charges - Fiat - Failed bank cases - Where a private counsel was authorized by A-G Federation - To prosecute failed bank cases - His signing and filing the charge sheet in 1977 was in order (H1) FRN v. Adewunmi p. 1575

CRIMINAL PROCEDURE - Charges - Validity - Signing of - Failed Bank cases - Charge signed by a legal officer in Federal DPP's office - And countersigned by a private counsel that has A-G's fiat - Is not invalid (H4) FRN v. Adewunmi p. 1575

CRIMINAL PROCEDURE - Power to institute - Under the 1999 Constitution - Lies on the Attorney-General - Who may exercise it through officers of his department (H3) FRN v. Adewunmi p. 1575

**iv INDEX OF SUBJECT MATTER IN (2007) 4 KLR**

JUDGMENTS - Form - Good judgment - Has no particular form - As long as it contains some well known constituent parts - Such as resolution of the parties' issues (H3) A-G Federation v. Abubakar p. 1435

RULES OF COURT - Certiorari - Time to apply - Is after period allowed for appeal has elapsed - Vide Cross River State High Court Rules O. 43 r. (6) - "May" used in the provision - Is mandatory (H2) Iyoho v. Effiong p. 1599

STATUTES - Interpretation - Plain words - Must be given their plain meanings - Without importing extraneous factors (H1) Iyoho v. Effiong p. 1599

STATUTES - Interpretation of - Literal or positive approach - Phrases of technical legislation - Words are construed - In their ordinary and natural meaning (H4) A-G Federation v. Abubakar p. 1435

## **INDEX OF STATUTES & RULES**

Constitution of the Federal Republic of Nigeria 1999 ss. 5(1), 14, 65, 68, 109, 130, 131, 135, 136, 137, 141, 142, 143, 144, 146, 239, 306 and 308  
 A-G Federation v. Abubakar p. 1435; s. 174 FRN v. Adewunmi p. 1575;  
 s. 6(6)(b) Iyoho v. Effiong p. 1599

Criminal Procedure Act ss. 164(4) & 167 FRN v. Adewunmi p. 1575

Cross River State High Court (Civil Procedure) Rules O. 43 r. 3(6) Iyoho v. Effiong p. 1599

Failed Banks (Recovery of Debts) and Financial Malpractices in Banks  
 Decree No. 18 of 1994 S. 24  
 FRN v. Adewunmi p. 1575

Federal High Court Act s. 56(1) FRN v. Adewunmi p. 1575

Law Officers Act s. 2 FRN v. Adewunmi p. 1575

Rent Control Edict of Cross River State s. 39(1) Iyoho v. Effiong p. 1599

Tribunals (Certain Consequential Amendments etc.) Decree 1999 ss. 1(3), 24(2) FRN v. Adewunmi p. 1575