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Dedicated to the King of kings

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CRIMINAL LAW - Self defence - Issue of - Court has a duty to consider defence of self defence - Only when the available evidence - Suggests possibility of the defence - Such was not the case herein (H4) Uwagboe v. State p. 1655

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CRIMINAL PROCEDURE - Confessional statement - That is free, voluntary, direct, positive and properly proved - Can sustain a conviction - Without need of other corroborative evidence - If court is satisfied with its truth (H7) Odeh v. Federal Republic of Nigeria p. 1615

CRIMINAL PROCEDURE - Conviction - Appeals - Lesser or different offence - With which accused was not charged - He can be convicted for it by appellate court - Where appropriate and available evidence supports it (H2) Odeh v. Federal Republic of Nigeria p. 1615

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CRIMINAL PROCEDURE - Conviction - Basis - Withdrawn charge - Was not the offence for which appellant was convicted on appeal - Though Court of Appeal can even convict on withdrawn charge where appropriate (H6) Odeh v. Federal Republic of Nigeria p. 1615

CRIMINAL PROCEDURE - Conviction - Lesser offence - Courts have power under s.179(1) CPA - To convict for a lesser offence - Where only such particulars were proved - As rightly done by the Court of Appeal (H5) Odeh v. Federal Republic of Nigeria p. 1615

CRIMINAL PROCEDURE - Corroboration - Necessity of - One witness of truth can result in conviction of an accused - Except in an offence where corroboration is statutorily required - Which is not the case herein (H5) Akpa v. State p. 1563

CRIMINAL PROCEDURE - Evidence - Conviction - Co-accused - Discredited evidence on same facts - Cannot on appeal ground conviction of co-accused - But present case is different - As trial court did not rely on same evidence - That convicted appellant - In discharging 1st accused (H4) Idiok v. State p. 1589

CRIMINAL PROCEDURE - Evidence - Defence - Resting case on prosecution case - Effect of - Where accused rests his case on that of the prosecution - Evidence of the prosecution is deemed admitted -

And court is duty bound to act on it if credible (H1) Ada v. State p. 1399

CRIMINAL PROCEDURE - Evidence - Proof - Confession of accused - Sufficiency of - Positive and properly proved confession - Of an accused - can sustain his conviction - without more (H2) Akpa v. State p. 1563

CRIMINAL PROCEDURE - Murder - Evidence - Findings of trial court - That appellant tied deceased with a rope - Upheld by the Court of Appeal - Cannot be faulted (H3) Idiok v. State p. 1589

CRIMINAL PROCEDURE - Murder - Findings of trial court - Where not challenged vide grounds of appeal - They remain binding - An appellate court will not disturb them (H2) Idiok v. State p. 1589

CRIMINAL PROCEDURE - Murder - Proof - Facts prosecution must prove beyond reasonable doubt - Include that it was accused person's omission - That caused the death of deceased (H1) Idiok v. State p. 1589

DAMAGES - Pleadings - General damages - Nature of - They are items of loss which plaintiff need not specify in pleadings - In order to recover compensation - They are presumed by law in favour of plaintiff (H1) Akinkugbe v. Ewulum Holdings Ltd p. 1499

DAMAGES - Pleadings - Special damages - Nature of - They consist in items of loss - Which plaintiff must specify in pleadings - Before he is allowed to prove them at trial - They result from particular circumstances of the case (H2) Akinkugbe v. Ewulum Holdings Ltd p. 1499

DAMAGES - Quantum of - Reassessment on appeal - Principles of - Appellate courts will not generally reassess amount of damages on appeal - But will do so - Where trial judge proceeded on a wrong principle of law - In his assessment thereof (H7) Akinkugbe v. Ewulum

Holdings Ltd p. 1499

EVIDENCE - Contradiction - Effect of - Contradiction in evidence of prosecution - Can only affect conviction - If it relates to a matter - Which must be determined - Before court can arrive at proper verdict (H3) Akpa v. State p. 1563

EVIDENCE - Evaluation of - Duty of court - Court has a duty - To accept and act on unchallenged/uncontradicted evidence - Of prosecution witness - As done by the trial court (H2) Ada v. State p. 1399

EVIDENCE - Witnesses - Testimony of - Conflicts - Issue of conflicts - Between testimony of a witness - And his statement to police - Is not to be raised for the first time on appeal - Without necessary foundation (H1) Uwagboe v. State p. 1655

JUDGMENTS - Technicality - Trial court's judgment given on technical grounds - Where upturned on appeal - Proper order to make - Is not an order granting reliefs claimed - But an order for hearing on the merits of the case (H3) Adekoya v. Federal Housing Authority p. 1425

LAND LAW - Title - Declaration of - Is made in favour of the party that proves better title - Defendant/respondent by his pleadings and evidence - Has a better title to the land in dispute (H9) Adole v. Gwar p. 1443

LAND USE ACT - Pleadings - Location of the land - Where not pleaded - There can be no evidence to enable the court - To hold that the land is within urban area (H1) Adole v. Gwar p. 1443

LAND USE ACT - Revocation - Vested right - Extinguishing of - Can only be valid where same is revoked under s. 28 of the Act - Notice of which must be served - In accordance with s. 44 of the Act (H7) Adole v. Gwar p. 1443

LAND USE ACT - Statutory right of occupancy - Grant under s. 5(2) of the Act - Can only defeat existing vested right - If such right was

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revoked - Otherwise the later right will be invalidated (H4) Adole v. Gwar p. 1443

LAND USE ACT - Title - Root of - Where challenged - Claimant must prove validity of his root of title - And a better title in order to succeed (H8) Adole v. Gwar p. 1443

LAND USE ACT - Valid title - Certificate of occupancy - Is not a conclusive evidence of a valid title - Proof of better title as in this case - Shall cause the court to set aside the certificate (H6) Adole v. Gwar p. 1443

LAND USE ACT - Vested rights - Deemed right of occupancy - Cannot be extinguished under s. 5 of the Act - By mere grant of another right - Without its being properly revoked vide s. 28 of the Act - Only existing right like that of a licensee or mortgagee - Can be defeated by mere grant of a right of occupancy (H5) Adole v. Gwar p. 1443

LAND USE ACT - Statutory right of occupancy - Can be validly granted by the Governor vide s. 5(1) of the Act - But any existing grant is not thereby extinguished (H3) Adole v. Gwar p. 1443

LANDLORD & TENANT - Trespass - Liability for - Landlord who resorts to self-help - To recover possession of premises tenanted by him - Is liable in trespass - And ought to pay damages (H6) Akinkugbe v. Ewulum Holdings Ltd p. 1499

MURDER - Proof of - Circumstantial evidence - Sufficiency of - Accused could - Be convicted of murder - If there is enough circumstantial evidence - That accused killed the deceased - Though there is no eye witness (H1) Akpa v. State p. 1563

ORDERS OF COURT - Disobedience to - Liability for - A party cannot be held - Liable for disobedience to court order - If the disobeying conduct - Comes before the order of court - As there is nothing to disobey at the material time (H4) Akinpelu v. Adegboire p. 1533

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PRACTICE & PROCEDURE - Crime - Evidence of - Standard of proof - Allegation of crime - Where directly in issue as in the instant case - Must be specifically pleaded and proved beyond reasonable doubt - Respondents did not do so (H3) Akinkugbe v. Ewulum Holdings Ltd p. 1499

PRACTICE & PROCEDURE - Lispendens doctrine - Purport of - It prevents effective transfer of rights - In any property which is subject matter of an action pending in court - As Appellant purported to do in this case (H5) Akinkugbe v. Ewulum Holdings Ltd p. 1499

RULES OF COURT - Motions - Refusal of by lower court - Supreme Court Rules, O. 2 r. 28 (3) - Provides that where Court of Appeal refuses an application - Similar one can be made to Supreme Court for consideration - It extends to all interlocutory matters (H1) Akinpelu v. Adegboire p. 1533

INDEX OF STATUTES & RULES

Benue State High Court (Civil Procedure Rules), 1988 O. 25 rr. 4 Adole v. Gwar p. 1443

Constitution of the Federal Republic of Nigeria 1999 ss.43 & 44 Adole v. Gwar p. 1443, s. 6 (6), (a), (b) Odeh v. Federal Republic of Nigeria p. 1615, s. 233(1) to (4) Akinpelu v. Adegboire p. 1533

Court of Appeal Act, 1976, s. 16 Odeh v. Federal Republic of Nigeria p. 1615; s. 16 Akinpelu v. Adegboire p. 1533

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Criminal Code Act, 1990 ss. 7, 8, 316, 319 (1) Idiok v. State p. 1589
Criminal Code Law, Cap. 48, Vol. 11, Laws of Bendel State of Nigeria 1976, ss. 24, 319 (1) Uwagboe v. State p. 1655

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Evidence Act, Cap 112, LFN. 1990, ss. 27(1), 42, 138(3), 139, 141 & 143 Akpa v. State p. 1563; s. 27 (c) Odeh v. Federal Republic of Nigeria p. 1615; s. 135(1) Adole v. Gwar p. 1443; s. 149 (d) Idiok v. State p. 1589

High Court (Civil Procedure) Rules of Lagos State, O. 16 r. 11 Adekoya v. Federal Housing Authority p. 1425

Land Use Act ss. 5(1)(a), 28, 34(2) Adole v. Gwar p. 1443

Limitation Law, Cap. 70, Laws of Lagos State, 1973, s. 8 (1) (a) Adekoya v. Federal Housing Authority p. 1425

National Drug Law Enforcement Agency Act, Cap. 253, Laws of the Federal Republic of Nigeria, 1990, s. 17 (6) Odeh v. Federal Republic of Nigeria p. 1615

National Drug Law Enforcement Agency Decree, No. 15 of 1992, ss. 10(c), (b), (h), 104 Odeh v. Federal Republic of Nigeria p. 1615

National Drug Law Enforcement Agency Decree, No. 48 of 1989, s. 10 (c), (d) Odeh v. Federal Republic of Nigeria p. 1615

Penal Code - Ss. 45, 97, 85 and 221 (a) Ada v. State p. 1399; ss. 167, 221 Odeh v. Federal Republic of Nigeria p. 1615; s. 221 Akpa v. State p. 1563

Supreme Court Act, 1960; s. 22 Akinpelu v. Adegboire p. 1533
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