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ACTIONS - Crime - Allegation of - Proof - When fraud is alleged in a suit - It must be pleaded and established by proof beyond reasonable doubt (H3) *Ukeje v. Ukeje* p. 1627

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APPEALS - Concurrent findings - Presumption of validity - Where such findings arose - Supreme Court would presume that trial court's conclusion - Affirmed by Court of Appeal is correct (H9) *Ukeje v. Ukeje* p. 1627

APPEALS - Court - Findings - Not appealed - Appellant did not appeal against finding made by trial court and affirmed by CA - Hence he is deemed to have accepted same - And cannot be heard on appeal to SC (H7) *Adebesin v. State* p. 1489

APPEALS - Grounds - Error - Constituting a particular ground of appeal - Is either error of law or error of fact - But never of law and fact (H2) *Adebesin v. State* p. 1489

APPEALS - Grounds of appeal - Meaning - It is allegation of error of law or fact made by appellant - As the defect in judgment appealed against - Being relied upon to set the judgment aside (H1) *Adebesin v. State* p. 1489

APPEALS - Judgment - Error - Effect - Complaint of appellant about error in CA judgment is trivial - And not prejudicial to his substantial right - As it did not affect final outcome of the case (H5) *Adebesin v. State* p. 1489

ARMED ROBBERY - Conviction - Robbery & Firearms Act s. 2(2)(b) - Once court finds that case proved against accused falls under s. 2(2)(b) - He can be sentenced to life imprisonment - Not withstanding the section under which he was tried and convicted (H8) *Adebesin v. State* p. 1489

CONSTITUTIONAL LAW - 1999 Constitution - Interpretation - Constitution must be read as a whole - To determine object of the particular provision - Thus resort to ss. 6(1)(5)(6) & 251(1)(a)(b)(q) - Will facilitate proper understanding of s. 232(1) that is in issue (H5) A-G Lagos State v. A-G Federation p. 1519

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COURTS - Competence of - Madukolu v. Nkemdilim - Court is competent to exercise jurisdiction where inter alia - It is properly constituted - Subject matter of action is within its jurisdiction - And the action is initiated by due process of law (H2) Mba v. State p. 1599

COURTS - Evidence - Evaluation - It is duty of trial court which saw and heard witnesses - To evaluate the evidence and pronounce on their credibility - And ascribes probative value thereto (H7) Ukeje v. Ukeje p. 1627

COURTS - Evidence - Findings - Procedure - Trial court is to receive all relevant evidence - Thereafter weigh same in context of surrounding circumstances of the case (H8) Ukeje v. Ukeje p. 1627

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CRIMINAL PROCEDURE - Charges - Joint trial - By CPC s. 221(d)

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- Persons may be charged and tried together - Who are accused of different offences committed in the course of same transaction (H3) Mba v. State p. 1599

CRIMINAL PROCEDURE - Institution of - Powers of AG Federation
- As FCT HC has jurisdiction to try offences in counts 3 & 4 - It follows that the AG can validly issue fiat to any counsel of his choice
- To prosecute criminal offence in FCT (H4) Mba v. State p. 1599

DOCUMENTS - Forgery - Proof - Defendants are not bound to plead forgery at trial - But to cross examine plaintiff and lead evidence to show beyond reasonable doubt - That exhibits M & M1 are forgeries (H4) Ukeje v. Ukeje p. 1627

DOCUMENTS - Proof - Birth certificate - Regularity of - Once properly executed by authorized government official - It is conclusive proof that person named therein was born on the date stated - And that the parents are those spelt out (H2) Ukeje v. Ukeje p. 1627

EVIDENCE - Document - Weight - Where documentary evidence supports oral evidence - Such oral evidence becomes more credible - Since document serves as hanger from which to asses oral testimony (H5) Ukeje v. Ukeje p. 1627

EVIDENCE - Evaluation - Trial court enjoys the opportunity of watching demeanour of witnesses - And findings based on credibility of witnesses - Cannot be disturbed on appeal unless it is perverse (H6) Adebesin v. State p. 1489

EVIDENCE - Evaluation - Weight - Review of testimony of DW8 shows that his testimony was not discredited in HC - Rather not much weight was attached to it - As the evidence was found to be speculative - And the witness not properly qualified (H6) Ukeje v. Ukeje p. 1627

FAIR HEARING - Denial - Proof - Not every case of denial of fair hearing involves bias - But every case of proven bias - Gives rise to denial of fair hearing to one of the parties (H4) Adebesin v. State p.

1489

JUDGMENTS - Delivery - Absence of jurisdiction - Judgment given without jurisdiction creates no legal obligation - And does not confer any rights to any of the parties (H2) A-G Lagos State v. A-G Federation p. 1519

JURISDICTION - Challenge - Determination - Basis - Where in the instant case plaintiff commenced action by originating summons - Preliminary objection is to be determined on basis of case presented in the summons - And affidavit in support (H4) A-G Lagos State v. A-G Federation p. 1519

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JURISDICTION - Sources of - Jurisdiction of all courts are as provided for by the Constitution - Or the relevant legislation - It remains a question of law and necessary requirement in all proceedings (H3) A-G Lagos State v. A-G Federation p. 1519

SUPREME COURT - Issues - Formulation - SC and CA have the power to adopt or formulate issues - That in their view would determine the real complaints in appeal (H1) Ukeje v. Ukeje p. 1627

SUPREME COURT - Original jurisdiction - By 1999 Constitution s. 232(1) - SC has exclusive jurisdiction once dispute is between the Federation and State or between States - And determination requires resolution of question of law or fact in relation to the claim (H6) A-G Lagos State v. A-G Federation p. 1519

INDEX OF STATUTES & RULES

Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 233 Adebessin v. State p. 1489, ss. 211(1), 301 Mba v. State p. 1599, ss. 6(1)(5)(6), 232(1), 251(a)(b)(q), 315 A-G Lagos State v. A-G Federation p. 1519, s. 42(1)(2) Ukeje v. Ukeje p. 1627

Criminal Procedure Code Cap 491 LFN 1990, ss. 134-139 Mba v. State p. 1599

Evidence Act Cap E14 LFN 2004, ss. 114(1), 138(1) Ukeje v. Ukeje p. 1627

Evidence Act LFN 2011, s. 146 Ukeje v. Ukeje p. 1627

Penal Code Cap 532 LFN 1990, ss. 4(2)(b), 97, 221, 229 Mba v. State p. 1599

Robbery & Firearms (Special Provisions) Act Cap 398 LFN 1990, ss. 2(1),(2)(b)15(1) Adebessin v. State p. 1489

Supreme Court Rules 2002, O. 2 r. 29 A-G Lagos State v. A-G Federation p. 1519

Value Added Tax Act Cap VI LFN 2004, ss. 2, 4, 6, 7 A-G Lagos State v. A-G Federation p. 1519