

KINGS LAW REPORTS

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ACTIONS - Necessary party - Non joinder of such party in a suit - Is an irregularity that does not affect jurisdiction of court - To adjudicate on the matter before it (H8) *Azuh v. Union Bank of Nig. Plc.* p. 1753

ALIBI - Investigation of - Where accused properly raises the defence and gives particulars of his whereabouts - Prosecution must investigate the alibi - To verify its truthfulness or otherwise (H2) *Adebayo v. State* p. 1659

ALIBI - Meaning of - Alibi is a defence where accused alleges - That at the time when the offence with which he is charged was committed - He was elsewhere (H1) *Mohammed v. State* p. 1789

ALIBI - Meaning of - It means accused saying that he was not at the crime scene - At the time the alleged offence was committed - That he was somewhere else and therefore was not the offender (H1) *Adebayo v. State* p. 1659

ALIBI - Particulars of - Though accused has no burden to prove his alibi - But he must give particulars of his whereabouts at the earliest opportunity - To lead prosecution in his investigation (H3) *Adebayo v. State* p. 1659

ALIBI - Plea of - Time to raise - Accused must raise the defence timely during interrogation by police - Stating his whereabouts at the material time of the crime (H2) *Mohammed v. State* p. 1789

APPEALS - Concurrent findings - Interference - Justification for - SC can rightly interfere since the finding based on evidence of PW5 is perverse - And was not based on credible evidence (H3) *Anekwe v. State* p. 1695

ARMED ROBBERY - Identification parade - When not necessary - Appellant having been properly identified by 1st accused as one of the perpetrators - The parade is no longer needed - As there is no dispute as to his identity (H4) *Adebayo v. State* p. 1659

ARMED ROBBERY - Ingredients - Proof - To secure conviction -

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Prosecution must prove that there was robbery - Which was armed robbery - And that accused was the armed robber (H7) Adebayo v. State p. 1659

BAIL - Terms of - Amendment - Application to vary bail conditions cannot be entertained by court of concurrent jurisdiction - Rather prosecution should apply to the court that granted bail (H7) Azuh v. Union Bank of Nig. Plc. p. 1753

CONVICTION - Evidence - Weight of - Although prosecution must not prove its case with mathematical certainty - But evidence to support a conviction must not create room for speculation (H4) Anekwe v. State p. 1695

COURTS - Powers - Injunction - Grant of - Is one of the inherent powers of court for enhancement of justice - And being a discretionary power - It must be judicially and judiciously exercised (H2) Azuh v. Union Bank of Nig. Plc. p. 1753

CRIMINAL PROCEDURE - Commencement - In Magistrate's Court - Prosecution of criminal proceedings before the court is done by police pursuant to Police Act s. 23 - But subject to 1999 Constitution ss. 160 & 174(1) (H5) Azuh v. Union Bank of Nig. Plc. p. 1753

CRIMINAL PROCEDURE - Commencement - Power - To institute criminal proceedings resides in AG Federation or of a State by 1999 Constitution ss. 174 & 211 - And such power may be exercised by AG - Or through any officers of his department (H4) Azuh v. Union Bank of Nig. Plc. p. 1753

CRIMINAL PROCEDURE - Confession - Admissibility - Appellant's statement tendered and admitted without objection - Is truly confessional and was legally admitted in evidence by trial court (H11) Adebayo v. State p. 1659

CRIMINAL PROCEDURE - Confession - Retraction - Where at trial accused denies statement earlier made to police - He must impeach the said statement by inter alia showing - That he did not in fact make

any such statement as presented (H9) Adebayo v. State p. 1659

CRIMINAL PROCEDURE - Conviction - Confession - Court can convict solely on confessional statement of accused - Provided same was given freely and voluntarily - And without equivocation (H3) Mohammed v. State p. 1789

CRIMINAL PROCEDURE - Conviction - Confession - Direct and positive voluntary confession of guilt by accused - Is sufficient to warrant his conviction without corroboration - Provided court is satisfied of the truth (H10) Adebayo v. State p. 1659

CRIMINAL PROCEDURE - Conviction - Validity - Conviction of appellant was not solely on his cautioned statement - But validly supported by clearly established solid circumstantial evidence (H4) Mohammed v. State p. 1789

CRIMINAL PROCEDURE - Pending charges - Where charges are pending against accused - His right to freedom of movement pending determination of the case - May be curtailed by court (H6) Azuh v. Union Bank of Nig. Plc. p. 1753

CRIMINAL PROCEDURE - Proof - Burden of - Is on prosecution and the degree of proof is beyond reasonable doubt - Which is not a function of number of witnesses (H2) Anekwe v. State p. 1695

ELECTIONS - Nomination - Justiciability - Issue of candidate of political party is a political issue - To be determined by rules of the party - Hence is not justiciable in court of law (H1) Ardo v. Nyako p. 1721

ELECTIONS - Nomination - Political party - Right of - Although NA attempted to infuse internal democracy in political parties - Yet parties still retain right to select their candidates for election (H2) Ardo v. Nyako p. 1721

ELECTIONS - Pre election matters - Interference - Where there is complaint about conduct of primary election - Court has jurisdiction by EA s. 87(9) - To examine if the conduct was in accordance with

the party's guidelines (H4) Ardo v. Nyako p. 1721

EVIDENCE - Confession - Meaning of - It is admission made at any-time by person charged with a crime - Stating or suggesting the inference that he committed the crime (H8) Adebayo v. State p. 1659

IDENTIFICATION PARADE - Meaning of - It is police identification procedure in which a criminal suspect and other physically similar persons are shown to witness - To determine whether the suspect can be identified as perpetrator of the crime (H5) Adebayo v. State p. 1659

IDENTIFICATION PARADE - Necessity of - Is useful whenever there is doubt as to ability of a victim to recognize the suspect - Or where identity of the suspect is in dispute (H6) Adebayo v. State p. 1659

INJUNCTIONS - Grant - Application for - An order of injunction is usually granted - Pending determination of substantive suit - Or determination of an earlier application pending before court (H3) Azuh v. Union Bank of Nig. Plc. p. 1753

JUDICIAL PRECEDENTS - Stare decisis - Departure from - SC previous decision in Nkebisi's case reached on different issues - Cannot be relied on to resolve the single issue in present appeal (H1) Anekwe v. State p. 1695

MURDER - Ingredients - Proof - To ground conviction prosecution must prove death of deceased - The act or omission which caused the death - And which was intentional with knowledge that death is probable (H5) Anekwe v. State p. 1695

ORDERS OF COURT - Actions - Non party - Order made against a person who was not party to action in court - Though not a nullity but is to no avail - As it cannot stand test of time - And is not binding (H9) Azuh v. Union Bank of Nig. Plc. p. 1753

ORDERS OF COURT - Injunction - Purpose of - Is usually granted to protect a party's existing legal right - From invasion by another (H1)

Azuh v. Union Bank of Nig. Plc. p. 1753

POLITICS - Political party - Notice of convention - INEC is to be given at least 21 days notice of party's congress - To elect officials or nominate candidates for election - And the commission may with or without notice - Attend and monitor such congress (H3) Ardo v. Nyako p. 1721

SUPREME COURT - Judgment of - Review - If counsel felt the decisions which he wanted distinguished were reached per incuriam - He must clearly state same - So that a full court could be empanelled to review the decisions (H5) Ardo v. Nyako p. 1721

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Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 36(5) Anekwe v. State p. 1695, ss. 40, 65(2), 221, 224, 228 Ardo v. Nyako p. 1721, ss. 6(6), 41(1), 160, 174, 211 Azuh v. Union Bank of Nig. Plc. p. 1753

Criminal Code Cap 36 Vol. 1 Laws of Anambra State 1986, s. 274(1) Anekwe v. State p. 1695

Criminal Procedure Law of Bendel State (as applicable to Delta State), ss. 131, 132 Azuh v. Union Bank of Nig. Plc. p. 1753

Electoral Act 2010 (as amended), ss. 87, 137, 138, 156 Ardo v. Nyako p. 1721

Evidence Act 2011, ss. 77(a)(b)(c), 138(1) Anekwe v. State p. 1695

Evidence Act Cap. E14 LFN 2004, s. 138(1) Mohammed v. State p. 1789, s. 156 Ardo v. Nyako p. 1721

High Court (Civil procedure) Rules of Delta State, O. 15, O. 8 rr. 7(2), 11 Azuh v. Union Bank of Nig. Plc. p. 1753

Interpretation Act, s. 3 Ardo v. Nyako p. 1721

Penal Code, ss. 221, 224 Mohammed v. State p. 1789

Robbery & Fire Arms (Special Provisions) Act Cap. 398 LFN 1990, s. 1 Mohammed v. State p. 1789, ss. 1(2)(a), 5(b) Adebayo v. State p. 1659

Supreme Court Rules, O. 6 r. 5(4) Ardo v. Nyako p. 1721