

# **KINGS LAW REPORTS**

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

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**Dedicated to the King of kings**

**O. O. NOEL ESQ. Founder/Publisher**  
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16. Yar'adua v. Congress for Progressive Change p. 2989 (Oct 2011)

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APPEALS - Evidence - Evaluation - Issue as to whether party proved his claim - Cannot be determined without evaluating evidence - Hence CA rightly proceeded to evaluate the evidence and considered exhibits tendered (H6) *Kabirikim v. Emefor* p. 2907

APPEALS - Facts - Review of - Basis - Facts to be reviewed by appellate court are those presented by parties at trial court - Otherwise appeal is incompetent and the court has no jurisdiction (H5) *PPA v INEC* p. 2941

APPEALS - Ground - Leave - Appellants do not require leave to raise a ground - That the CA granted the injunction it did - When issue of jurisdiction has not been settled - As this is a question of law (H1) *Soludo v. Osigbo* p. 2983

APPEALS - Issue - Formulation by court - Appellant's issue 1 and the issue 2 formulated by Court of Appeal are the same - The court

simply added some words to state the obvious (H5) Kabirikim v. Emefor p. 2907

APPEALS - Preliminary objection - Basis - Under SC Rules 1999 preliminary objection is not restricted to grounds of law or facts - And even if affidavit is struck out - Grounds for the objection is intact (H2) PPA v INEC p. 2941

CONVICTION - Evidence - Best evidence - For purpose of conviction is voluntary confession to the crime by accused - And a conviction based on oral confession is proper in law (H6) Jua v. State p. 2873

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COURTS - Judicial power - Entitlement to - For a person to be entitled to invoke judicial power - He must show that his personal interest will be or has been adversely affected (H1) Yar'adua v. CPC p. 2989

COURTS - Justice - Upholding of - Court being an impartial arbitrator - Must always consider both sides of a case before coming to a conclusion - As to do otherwise will result in grave injustice (H4) Kabirikim v. Emefor p. 2907

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**2852 INDEX OF SUBJECT MATTER IN (2015) 9 KLR**

ELECTION PETITIONS - Appeals - Filing - Time limit - Electoral Act s. 143(1)(2) - Appeal shall be lodged within 21 days - From date of delivery of judgment - Otherwise right or leave to appeal is lost (H4) PPA v INEC p. 2941

ELECTION PETITIONS - Appeals - Time limit - At expiration of 60 days stated in Constitution 1999 s. 285(7) - Right of appeal either as of right or with leave is lost - And court has no jurisdiction in the matter (H3) PPA v INEC p. 2941

ELECTION PETITIONS - Gubernatorial - Final court - Constitution 1999 s. 246 deprives SC of jurisdiction - To deal with gubernatorial election petition - As CA is the final court (H1) Sha'aban v. Sambo p. 2975

ELECTION PETITIONS - Jurisdiction - 1999 Constitution s. 285 - FHC lacks jurisdiction to entertain appellant's suit - As the matter clearly belongs to Election Petition Tribunal (H1) ANPP v. Returning Officer Abia State p. 2855

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MURDER - Conviction - Corpus delicti - Absence of - Corpus delicti is not produced in all cases to secure conviction - As accused can be convicted where there is evidence linking him with killing of deceased (H5) *Jua v. State* p. 2873

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