

***"...there is absence of satisfactory evidence of pervasive and grave insecurity in Rivers State, the position of the law as to the venue of trial of criminal offences in ordinary circumstances stated in Section 93 of the ACJA 2015 and Section 45 of the Federal High Court Act, 2004 shall apply".***

Accordingly, your lordship transferred the case to Port Harcourt Division of the Federal High Court for trial.

- 3.7 In the instant case, our Clients – the three Defendants - who are mere farmers and petty traders are ordinarily resident in Idumuje-Ugboko Community in Aniocha-North Local Government Area of Delta State, Nigeria.
- 3.8 It is instructive to note that there is a Federal High Court in Asaba, Delta State which is about 30 minutes drive from Idumuje-Ugboko where the offences were allegedly committed.
- 3.9 It takes an average of about 10 hours to travel from Idumuje-Ugboko to Abuja. And considering the current financial position of the Defendants, they have difficulties in taking care of their basic needs, which includes: transport, feeding and accommodation.
- 3.10 Apart from the attendant risks of travelling from Idumuje-Ugboko to Abuja, on bad roads, insecurity and the fear of the unknown, it will certainly be desirable and convenient to transfer this Criminal Matter to the Federal High Court, Asaba for hearing and determination.
- 3.11 Our Clients – the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants, have no relatives in Abuja. The 3<sup>rd</sup> Defendant is hypertensive and diabetic. They, in fact, know no one in Abuja that will visit them let alone taking them on bail whose condition requires the proposed sureties to be property owners within the Abuja metropolis, or Public Officers who must depose to Affidavits of means.
- 3.12 To further compound the situation, the 1<sup>st</sup> and 2<sup>nd</sup> Defendants are also standing trial in a 29-count in Charge No. MI/53C/2017 before Chief Magistrate Court, Isele-Ukwu, Delta State for an alleged offence arising from the same transaction as the present Charge.



# Quid Juris

Legal Practitioners, Consultants, Notary Public &  
Arbitrators  
www.qj.com

**ABUJA LAW OFFICE:**  
No. 4 Mamman Osuman Close  
Brickcity Estate Phase 1,  
Kubwa/Del-Del Expressway,  
Abuja FCT Nigeria.  
Tel: 08170562147  
092901400

**LAGOS LAW OFFICE:**  
88b, Isale Eko Avenue  
Dolphin Estate  
Ikoyi Lagos Nigeria.  
TEL: 0803-3029712,  
08077677769

**QJ/CH/ABJ/H CJ/Vol.1/1/20**

**20<sup>th</sup> March, 2020**

**The Hon. Chief Judge,**  
The Federal High Court,  
Shehu Shagari Way,  
Central Business District,  
FCT, Abuja.



**Your Lordship,**

**1. CHARGE NO: FHC/ABJ/CR/11/2019**

**FEDERAL REPUBLIC OF NIGERIA**

**vs.**

} **COMPLAINANT**

1. **NWOCHIE AGILIGA LIGHT**
2. **AIKHOMO OMEZI**
3. **OKEY IFEJOKU**

} **DEFENDANTS**

**2. REQUEST FOR A TRANSFER OF CHARGE NO. FHC/ABJ/CR/11/2019 TO THE FEDERAL HIGH COURT, ASABA, BEING THE APPROPRIATE AND CONVENIENT FORUM FOR THE TRIAL OF THE DEFENDANTS - IN LINE WITH SECTIONS 93(1), 98(1) AND 386(1) OF THE ADMINISTRATION OF CRIMINAL JUSTICE ACT, 2015.**

1.0 We humbly write on behalf of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants (hereinafter called our Clients) who, even though were granted bail on exceptionally unprecedented onerous terms on Thursday 19<sup>th</sup> March 2020, are still in custody at the Kuje Federal Correctional Centre Abuja – Federal Capital Territory.

1.1 Our Clients are indigenes of and also resident in Idumoje – Ugboko in Aniocha – North Local Government Area of Delta State – Nigeria.

## CONTINUATION

CC:

1. Hon. Justice O. E. Abang  
Judge's Chambers  
Federal High Court,  
Abuja.
2. S. M. Labaran  
Asst. Chief Counsel  
Office of the Hon. Attorney General  
Of the Federation,  
Federal Ministry of Justice  
Headquarters, Abuja.

To my chagrin, the Honourable Attorney General abysmally failed to oblige your Lordship with his alleged particulars of insecurity and factors that would enable the protection for prosecution witnesses. Juxtaposed against the Justice Ministry's earlier unmeritorious and flippant postulate of insecurity, your Lordship dismissed same when you said:

*"However, the Prosecution possesses adequate resources to cope with the costs entailed and also threat of insecurity. Therefore, the benefit of imbalance shall enure in favour of the Defendants.*

*In the circumstances, the application for transfer of the case to the Asaba Judicial Division is granted"*

This decision evoked considerable applause from lawyers, the Defendants and the public. Alas, it later turned out to be a pyrrhic victory as same was subsequently reversed on the ground of the Honourable Attorney General's passionate appeal.

The Police and Security Agencies are at the disposal of the Honourable Attorney General whose apparatus of coercive power is also called Federal might. As recently reported in the National media, he was reported as having ordered the Inspector General of Police to provide security for APC members in the Edo State House of Assembly.

Whilst it was expedient for a second hearing to be accorded the Honourable Attorney General before the Request for a transfer was acquiesced, the Defendants did not enjoy the same equal privilege after his Lordship received the persuasive passionate letter of appeal that was personally written by the Learned Attorney General.

Lordship's favourable reply of 15<sup>th</sup> May 2020. This reply was endorsed to Hon. Justice O.E. Abang and S.M. Labaran - the Prosecuting Asst. Chief Counsel in the office of the Honourable Attorney General.

Your Lordship's letter (supra), presupposed that the same Attorney General had seen and read our letter that was forwarded to his office for reaction.

Paragraphs 2 and 3 of your Lordship's letter (supra) wherein Your Lordship justified the grant of the request for transfer reads:

*"Having weighed the Prosecution's representation following the application for transfer, I appreciate the Court's jurisdiction to entertain matter nationwide is not in doubt. The Defendants' basis for seeking transfer is hardship undergoing trial away from their base; while the Prosecution's apprehension is mainly the reasons of insecurity to the Prosecution and witnesses. However, the Prosecution possesses adequate resources to cope with the costs entailed and also threat of insecurity. Therefore, the benefit of inbalance shall enure in favour of the Defendants.*

*In the circumstance, the application for transfer of the case to the Asaba Judicial Division is granted" (underlining ours)*


It is clearly deduceable from your Lordship's above referred letter that the Attorney General was availed a hearing. The above reproduced Paragraphs 2 and 3 evince your Lordships profound conscious consideration of the Attorney General's earlier reasons for the objection for transfer.

Following the formal transfer, Your Lordship wrote a letter to the Comptroller General of Nigerian Correctional Service National Headquarters. The said letter reads:

## CONTINUATION

witnesses. However, the Prosecution possesses adequate resources to cope with the costs entailed and also threat of insecurity. Therefore, the benefit of inbalance shall enure in favour of the Defendants.

In the circumstance, the application for transfer of the case to the Asaba Judicial Division is granted.



Hon. Justice J. T. Tsoho  
Chief Judge

Your Lordship's letter of 19<sup>th</sup> June, 2020 (reproduced above) which was once again copied to and was received by both Justice Abang and the Office of the Honourable Attorney General was not responded to until after the Federal High Court had (on their initiative and at our expense) forwarded the entire Trial File to the Federal High Court Asaba, our Brief held thereat and a Reproduction Warrant issued by the Asaba Federal High Court to Kuje Correctional Facility Abuja.

THE HONOURABLE ATTORNEY GENERAL'S LETTER TO THE HONOURABLE CHIEF JUDGE

Even though dated 21<sup>st</sup> July 2020, the above letter was delivered/received in your Lordships Office on 29<sup>th</sup> July 2020. The distance between the Federal Ministry of Justice and the Federal High Court would, from the date of writing (21<sup>st</sup> July 2020) to the date of receipt (29<sup>th</sup> July 2020) suggest an eight day's journey ! Be that as it may, Paragraphs 2 and 3 of the Honourable Attorney General's letter is a replication of his earlier reasons that were considered unmeritorious by your Lordship and upon which the Application for the Transfer of the Defendants from Kuje Federal Correctional Facility to Asaba was earlier granted.

The Learned Attorney General described the matter before Hon. Justice Abang as "**already ongoing**". We concede only to the extent that only the Defendants' PLEAS had been taken.

Efforts were made to denigrate the undersigned when he (Hon. Attorney General) accused me of writing a PETITION to the Honourable Chief Judge and when he argued that not being a "**Party in the case on record**" the "**Petition**" I had earlier sent to the Honourable Chief Judge was mala fide.

Respectfully, the Learned Honourable Attorney General's innuendo was unfair and unjustified.

I am on the threshold of my 46 years post call in legal Practice, been professionally engaged in academics, operated in several quasi - judicial capacities and now, gracefully ascending the crescendo of God's divine gift that has seen me beyond 73 years of my mortal life.

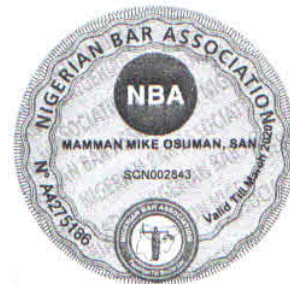
Despite the constitutional imperatives of the doctrine of Separation of Powers, I'm aware of sometime, the subtle threats and coercive influence of Nigeria's executive arm of government. I'm also aware that not all judicial officers are able to muster the courage for resilience against interference.

Things are currently not what they used to be. The politics of this case and the subject matter of this controversy were better left for stronger pugilists. **I have therefore withdrawn as Counsel** in this current matter and humbly request that I should be excused from future correspondence on the issue.

With utmost Respect,



Mamman Mike Osuman, LLM, SAN, FCIArb







# FEDERAL HIGH COURT OF NIGERIA

## CHIEF JUDGE'S CHAMBERS

FEDERAL HIGH COURT HEADQUARTERS,  
Shehu Shagari Way, Central Business District,  
P.M.B. 389 FCT, Abuja, Nigeria  
Tel: 0709 821 4579, 0709 821 4578

LAGOS ADDRESS:  
24, Oyinkan Abayomi Drive,  
P.M.B. 40012, Ikoyi, Lagos.  
Tel: 01-7735860



19<sup>th</sup> June, 2020

The Comptroller General  
Federal Correctional Centre,  
Kuje, Abuja.

Sir,

CHARGE NO. FHC/ABJ/CR/11/2019 - FEDERAL REPUBLIC OF NIGERIA vs. (1) NWOCHIE AGILIGA LIGHT (2) AIKHOMO OMEZI (3) OKEY IFEJOKU

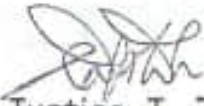
I write to draw your attention to the above mentioned case formerly pending before Hon. Justice O. E. Abang here in the Abuja Headquarters of the Court.

After due consideration of the application by the Defendants' counsel and the response of the Prosecution, I have transferred the case to the Federal High Court, Asaba Judicial Division for hearing in the interest of justice.

I therefore urge you to facilitate the transfer of the Defendants to Asaba to enable the Prosecution diligently prosecute the Charges against them.

Please accept the assurances of my best regards.

Yours faithfully,

  
Hon. Justice J. T. Tsoho  
Chief Judge

#### **4.0 SUPPLICATION:**

- 4.1 Arising from the above and in compliance with the provisions of the Constitution of the Federal Republic of Nigeria which require the Accused Persons to be given adequate time, facility and opportunity to defend themselves without any form of hindrance or disabilities, we therefore humbly urge your lordship to, in the interest of justice, direct that the Defendants be tried in the Federal High Court Asaba – which, undoubtedly, is not only the *locus criminis* of their alleged crime but profoundly constitute the forum convenience.

**May it please your Lordship.**

Yours faithfully,  
**PP: Quid Juris Legal Practitioners.**



**Mamman Mike Osuman, LLM, SAN, FCIArb.**

3.3 It is for this reason that **Section 93(1) of the Administration of Criminal Justice Act, ACJA 2015** makes provision about the venue of trial of offences. It provides:

*"Section 93(1) an offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction:*

- (a) the offence was wholly or in part committed, or some act forming part of the offence was done;*
- (b) the consequence of the offence has ensued;*
- (c) an offence was committed by reference to which the offence is denied; or*
- (d) the person against whom, or property in respect of which the offence was committed is found having been transported there by the suspect or by a person knowing of the offence."*

3.4 The above provisions are in pari materia with the provisions of **Section 45 of the Federal High Court, Act** – which deals with the venue of trial of offences.

3.5 Granted that there is only one Federal High Court throughout the entire Federation of Nigeria with judicial divisions for administrative convenience, nevertheless, as decided in Ibori's case (supra), the fact that there is only one Federal High Court with administrative divisions all over the Country, does not mean that any offence allegedly committed by an Accused Person anywhere in Nigeria, can be tried in any division of the said Federal High Court. The convenience of the Defendant must be taken into consideration in line with the expressed provisions of **Section 386(1) of the Administration of Criminal Justice Act, 2015**.

3.6 In this regard, we humbly refer your lordship to your lordship's own elucidating Ruling in **Charge No: FHC/ABJ/CR/42/2017** between **FRN vs. SHITTU MOHAMMED LAMINO (SHETTIMA) & 22 ORS (Unreported)** in which your lordship was "confronted" with a similar situation where INEC officials who went to conduct elections in Rivers State were apprehended and arraigned before your lordship here in Abuja for offences that were allegedly committed in Port Harcourt, Rivers State. In the well considered Ruling delivered on 15/5/2017, your lordship held thus:



MINISTRY OF JUSTICE  
(DEPARTMENT OF PUBLIC PROSECUTIONS)  
P.M.B 5020  
ASABA  
DELTA STATE OF NIGERIA

Our Ref No.: DTMJ3/6/109205

Date: 13-8-2020

The Assistant Chief Registrar II,  
Magistrate's Court,  
Issele-Uku,  
Delta State.


**RE: LEGAL ADVICE**

STATION: SCIID, ASABA  
OFFENCE: CONSPIRACY/MURDER  
CHARGE NO.: MI/24C/2020  
CASEFILE NO.: CR/62/2020  
IPO: ONYEAMA NWAJOJIGBA & TEAM  
MAXWELL IDEH  
SUSPECT: OBI CHUKWUNONSO NWOKO (M) & 5 ORS

I am directed to refer to the Certified True Copy of the Police casefile forwarded to this Office by the Assistant Chief Registrar II, Magistrate's Court Issele-Uku, on the above subject matter for Legal Advice.

I am further directed to inform you that after a thorough perusal of the said casefile, this Office is of the opinion that there is no prima facie case of any offence disclosed against pages B1 OBI CHUKWUNONSO NWOKO (M), B2- PRINCE EJIMOFOR NWOKO (M) and B3- IFEJOKU OKEY (M), B4-CHETACHUKWU OKOLO (M), B5-ONYEISI ISUZOR (M) AND B6-PRINCE OBIAJULU RICHARD NWOKO (M).

They should be released if still in custody. Please note that this letter takes precedence over our earlier letter dated 12<sup>th</sup> August, 2020.

  
Enyi J. N., Esq.,  
For: Director of Public Prosecutions,  
Ministry of Justice,  
Delta State.



# Quid Juris

Legal Practitioners, Consultants, Notary Public,  
Mediators & Arbitrators  
legalpractioners@quid-juris.com | www.quid-juris.com

**ABUJA LAW OFFICE:**

No. 4 Mamman Osuman Close  
Brickcity Estate Phase 1,  
Kubwa/Dei-Dei Expressway,  
Abuja FCT Nigeria.  
Tel: 08036212007,08170562147  
Email: mmeeo.san@gmail.com  
mmosuman@hotmail.com  
m2e2o.san@quid-juris.com  
mm.osuman.san@quid-juris.com

**LAGOS LAW OFFICE:**

88b, Isale Eko Avenue  
Dolphin Estate  
Ikoyi Lagos Nigeria.  
TEL: 0803-3029712,  
08077677769

**QJ/CH/ABJ/FCC/Vol.1/1/20**

17<sup>th</sup> June, 2020

To:

**The Comptroller,**  
Federal Correctional Centre,  
Kuje,  
FCT - Abuja.

Dear Sir,

1. **RE: FHC/ABJ/CR/11/2019**

2. **OUR CLIENTS:** }  
1. NWOCHIE AGILIGA LIGHT  
2. AIKHOMO OMEZI  
3. OKEY IFEJOKU

3. **REQUEST FOR TRANSFER PURSUANT TO THE ORDER OF HONOURABLE JUSTICE J. T. TSOHO AS CONTAINED IN HIS LETTER OF 15<sup>TH</sup> MAY, 2020.**

We humbly write in respect of our above named Clients, namely (1) NWOCHIE AGILIGA LIGHT (2) AIKHOMO OMEZI (3) OKEY IFEJOKU.

They were remanded at the Federal Correctional Centre Kuje Abuja pending their trial. They were (each) granted bail pending trial. The 3rd Defendant (OKEY IFEJIOKU) met his bail conditions and was since released. The 1<sup>st</sup> Defendant (NWOCHIE AGILIGA LIGHT) and 2nd (AIKHOMO UMEZIE) are still in custody at Kuje and would have been long out but for their inability to meet the extremely rash conditions demanded by the Learned Trial Judge.



# Quid Juris

Legal Practitioners, Consultants, Notary Public,  
Mediators & Arbitrators  
legalpractioners@quid-juris.com | www.quid-juris.com

**ABUJA LAW OFFICE:**

No. 4 Mammam Osuman Close  
Brickcity Estate Phase 1,  
Kubwa/Dei-Dei Expressway,  
Abuja FCT Nigeria.  
Tel: 08036212007,08170562147  
Email: mmeeo.san@gmail.com  
mmosuman@hotmail.com  
m2e2o.san@quid-juris.com  
mm.osuman.san@quid-juris.com

**LAGOS LAW OFFICE:**

88b, Isale Eko Avenue  
Dolphin Estate  
Ikoyi Lagos Nigeria.  
TEL: 0803-3029712,  
08077677769

QJ/CH/ABJ/H CJ/Vol.1/3/20

19<sup>th</sup> August, 2020

To:

The Hon. Chief Judge,  
Federal High Court,  
Shehu Shagari Way,  
Central Business District,  
FCT, Abuja.



*My Lord the Chief Judge*

RE: CHARGE NO: FHC/ABJ/CR/11/2019

FEDERAL REPUBLIC OF NIGERIA

vs.

NWOCHIE AGILIGA LIGHT & ORS

We acknowledge (with profound gratitude) your Lordship's Reply of 3<sup>rd</sup> August 2020 to Abubakar Malami SAN - Learned Honourable Attorney General of the Federation and Minister of Justice wherein your Lordship admitted being "swayed to heed the passionate appeal to rescind" your earlier order of transfer of the above particularized case to the Asaba Judicial Division for Trial.

**BACKGROUND**

Before subscribing/consenting to the request in our letter Ref: QJ/CH/ABJ/H CJ/Vol.1/1/20 of 20<sup>th</sup> March 2020, your Lordship revealed that the Honourable Attorney General's office was communicated /put on notice / heard on the reasons espoused for our Clients' transfer from Kuje Correctional facility to Asaba to face their trial. This was evident from the face of your