



## Access to justice in Nigeria under the administration of criminal justice act 2015: Can the ruling on preliminary objection on jurisdiction be deferred until delivery of judgment on the substantive issues? examining section 396 (2) of the administration of criminal justice act 2015

Ugochukwu Charles Kanu<sup>1</sup>, Nasiru Tijani<sup>2</sup>, Balogun Hamed Funsho<sup>3</sup>

<sup>1</sup> Lecturer, Department of Litigation, Nigerian Law School, Lagos Campus, Nigeria

<sup>2</sup> Deputy Director - General and Head of Campus, Department of Litigation, Nigerian Law School, Lagos, Nigeria

<sup>3</sup> Nigerian Law School, Lagos, Nigeria

### Abstract

It is a fundamental statement in law that Jurisdiction is the livewire of every trial whether civil or criminal. Where the court assumes jurisdiction to entertain a matter where the enabling Statute did not confer jurisdiction on it, such trial irrespective of how well conducted is a nullity amounting to an exercise in futility. The challenge on the jurisdiction of the court must be resolved before any other step is taken in the course of the trial. Consequent upon the promulgation of the Administration of Criminal Justice Act 2015, (hereinafter referred to as ACJA) the above narratives appears to have been whittled down when the Act provides that ruling of the court where its jurisdiction has been challenged will be delivered on the day of final delivery of judgment. In this Article, we set out to x-ray the intendment of section 396 (2) ACJA under reference as to whether it prohibits ruling on all manner of challenge to Jurisdiction of the Court or a specie of challenge to the court jurisdiction. Question as to whether or not the provision under reference enhances access to justice under the Criminal Justice Administration in Nigeria will be answered?

**Keywords:** jurisdiction, ruling, judgment, access to justice

### Introduction

Interlocutory applications (preliminary objections) challenging the jurisdiction of the court in criminal and civil trials in Nigeria is replete in our court system. The ruling of the court on the propriety or otherwise of such application is an appealable decision. This appeal could extend to the Supreme Court. Immediately the appeal process is commenced on the outcome of the decision of the court on the preliminary objection, it is not uncommon for the parties to follow suit with an application for stay of proceedings pending the determination of the appeal. It is of no moment whether or not the appeal process takes 10 years and it is only upon the disposal of the appeal that the substantive case at the lower court will start. It is this delay which ultimately metamorphosed into injustice that section 396 (2) ACJA seeks to address in order to bring about complete access to justice.

### Objectives and Purpose of the Administration of Criminal Justice Act, 2015

The emergence of ACJA in 2015 is to revolutionize the criminal justice system in Nigeria and to entrench the regime of access to justice for all. Hence the Act in section 1 (1) provides as follows:

“(1) The purpose of this Act is to ensure that the system of administration of criminal justice in Nigeria promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant, and the victim. (2) The courts, law enforcement agencies and other authorities or persons involved in criminal justice administration shall ensure compliance with the provisions of this Act for the realization of its purposes”.

The Act from the above set out to address the issue of lack of adequate management of the criminal justice institution in Nigeria which includes addressing the endemic problem of gross and inordinate delay in concluding criminal trials in Nigerian courts by specifically emphasising on the speedy dispensation of justice. This contributory factors to the delay encountered in criminal justice system in Nigeria ranges from rulings of the court on preliminary objection on grounds of jurisdiction and the consequent appeal thereafter to the appellate courts and the inevitable application for stay of proceedings pending the determination of the appeal.

### What is Jurisdiction?

Jurisdiction of court to entertain a matter is statutory and is conferred by the Constitution and Statute creating an offence. <sup>[1]</sup> It is fundamental to the life of the trial. It is so fundamental, that parties cannot agree to confer jurisdiction on the court where none exist or waived by either party. <sup>[2]</sup> In *GTB V Toyed (Nig) Ltd & Anor* <sup>[3]</sup> the Court of Appeal per Ndukwe Anyawu J.C.A, relying on the locus classicus case of *Madukolu v Nkemdilim* <sup>[4]</sup> held that:

‘The law is well settled and it no longer admits of any argument that jurisdiction is the very basis and the life wire of every matter and on which any court tries or hears a case. It is, metaphorically speaking, the life blood of all trial, whether it be at the court of trial or on appeal, and without which all such trials and hearings are a nullity notwithstanding how well or meticulous such a trial or proceeding had been conducted or how sound and profound the resulting judgment. It is simply a nullity’.

Furthermore, In *Manomi v Dakat* <sup>[5]</sup> the Supreme Court held that;

“The issue of jurisdiction is so radical that it forms the foundation of adjudication. If a court lacks jurisdiction, it also lacks the necessary competence to try the case at all. A defect in competence is fatal, for the proceeding is null and void *ab initio*, however well conducted and well decided they may otherwise be...”

Black’s Law dictionary <sup>[6]</sup> defines Jurisdiction as ‘A Court’s power to decide a case or issue a decree’. In *Amana v Igala Area Traditional Council* <sup>[7]</sup> the Supreme Court referred to jurisdiction as ‘the blood that gives life to the survival of all actions in the court of law’.

### Types of Jurisdiction

Generally, in a nutshell, there is the Subject matter jurisdiction; Territorial Jurisdiction; Extra-territorial jurisdiction; Personal or Party jurisdiction; Exclusive jurisdiction; Original Jurisdiction; Appellate jurisdiction; Concurrent/coordinate jurisdiction; Ancillary jurisdiction;

By Subject matter jurisdiction, it entails the jurisdiction of the court over the nature of the case and the type of reliefs sought by the parties. For example only the Federal High Court can entertain a matter dealing with narcotics. <sup>[8]</sup>

Territorial jurisdiction is the jurisdiction of the court over cases arising in or involving persons residing within a defined territory. Extra-territorial jurisdiction refers to the power of the court to exercise jurisdiction beyond offences committed outside its territorial limits. Personal or Party jurisdiction refers to the court’s power to bring a person into its adjudicative process regardless of the location of such persons provided the person is notified of the pendency of the proceeding. Exclusive jurisdiction is the power of the court to adjudicate an action or class of actions to the exclusion of all other courts over a subject matter or party. Original Jurisdiction is a court’s power to hear and decide a matter before any other court can entertain or review the matter. Appellate jurisdiction is the adjudicatory power of the court to review and revise a lower court’s decision on a matter. This is a supervisory role of the superior courts over lower courts. Concurrent/coordinate jurisdiction refers to the jurisdiction that might be exercised by more than one court over the same subject matter within the same territory such that none can overrule the decision of the court. Ancillary jurisdiction refers to a court’s jurisdiction to adjudicate claims and proceedings related to a claim that is properly before the court. <sup>[9]</sup>

### Components of the Jurisdiction of Court

The full components of the jurisdiction of the court for the purpose of determination of a matter before it, was established by the Supreme Court in the celebrated case of *Madukolu v Nkemdilim* <sup>[10]</sup> as follows:

1. The court is properly constituted with respect to number and qualification of its members;
2. The subject-matter of the action is within the jurisdiction of the court, and
3. The action is initiated by the due process of law, or any condition precedent to the exercise of the court’s jurisdiction has been fulfilled. <sup>[11]</sup>

This principle was recently re-echoed by the Supreme Court in *Ogbuji v Amadi* <sup>[12]</sup> where the Supreme Court further held that any defect in competence is fatal, for the proceedings are a nullity, no matter how well conducted or decided as the defect is extrinsic to the adjudication.

### Time to Raise Preliminary Objection on Jurisdiction under the Administration of Criminal Justice Act, 2015

Irrespective of the well settled principle of law on jurisdiction, practitioners continues to grapple with the issue of jurisdictions in both civil and criminal proceedings. It is also undeniable that at times, it is unwittingly used to frustrate, annoy, irritate the other party, or used to slow down the wheel of justice, hence the emergence of the ACJA. In view of the innovations brought about by the ACJA, the inevitable question is, when according to law can an objection to the jurisdiction of the court be raised? The legal practitioner as a professional is in control of the procedure and strategy to adopt in the criminal defence of his client. This also extends to the prosecution who has been described as 'gate keepers' of criminal justice, insofar as without their initiative there cannot be the prosecution and repression of crimes. <sup>[13]</sup> The practitioner is in control of the incidence of the trial and thus is at liberty to decide the appropriate time to bring preliminary objection challenging the jurisdiction of the court. Consequently, in *Belgore v Federal Republic of Nigeria* <sup>[14]</sup> the Supreme Court held as follows ‘the issue of jurisdiction, being fundamental can be raised at any time and even in the Supreme Court for the first time...’ This principle was also re-echoed in *Solumade v Kuti* <sup>[15]</sup> that ‘the sacrosanct state of the law necessitated the imperative concession to raise the issue of jurisdiction at any time or stage of the proceedings or on appeal as a substantive issue of law...’

In a dramatic twist, section 221 ACJA <sup>[16]</sup> provides that ‘objections shall not be taken or entertained during proceeding or trial on the ground of an imperfect or erroneous charge’. By a literal rule of interpretation re-echoed recently in *Umeano v Anaekwe* <sup>[17]</sup> that where the words used are plain and unambiguous, they must be given their natural and ordinary meaning, unless to do so would lead to absurdity. It is submitted that the categories of objections referred to in the above section are not such that affects the jurisdiction of the court *simpliciter* but such as touching on the contents of the Charge Sheet or Information strictly, to hold otherwise would result in absurdity. Assuming, the prosecution commenced an action at the Magistrates’ Court and without withdrawing the action commenced another action at the High Court against the same defendant on the same facts, which from all circumstances is an abuse of court process, would the defence counsel be prohibited from filing a preliminary objection at the High Court challenging its jurisdiction to entertain the case in view of section 221 ACJA? Certainly not as this cannot be the intention of the legislature, for to hold otherwise would lead to absurdity.

The Act further provides in section 396 (2) <sup>[18]</sup> as follows:

‘After the plea has been taken, the defendant may raise any objection to the validity of the charge or the information at any time before judgment provided that such objection shall only be considered along with the substantive issues and a ruling thereon made at the time of delivery of judgment’.

The section under reference permits objections on any ground to be raised after the defendant must have taken his plea whereas section 221 prohibits raising objection touching on imperfect or erroneous Charge, that is, the contents of the Charge or Information. Section 396 (2) allows the raising of such objection bordering on an imperfect or erroneous Charge to be raised at any time only after the plea of the defendant must have been taken. The

intendment is to confer the court with the requisite jurisdiction or power to lawfully preside and pronounce on the case rather than assuming jurisdiction when the defendant has not been docked. This is an amendment to the general position that objection on jurisdiction can be raised at any time.

By a community reading of section 221 and the first limb of section 396 (2) of the Act, in relation to the time within which to raise preliminary objection on the jurisdiction of the court to entertain a matter, it is submitted that if the objection is anchored on the sufficiency or invalidity of the Charge or the Information relating to form, or anchored on the breach of the rules of drafting of charges <sup>[19]</sup> or the sufficiency of proof of evidence in support of the Information, such cannot be raised before the plea of the defendant. But, where the objection touches on the statutorily conferred jurisdiction of the court to entertain the case, the objection can be raised and entertained before the plea of the defendant; for instance where the prosecution purports to arraign a defendant at the Magistrates' Court or the State High Court on matters for which the subject matter is on importing, planting, growing, dealing or exporting narcotic drugs or psychotropic substances of which only the Federal High Court is conferred with Jurisdiction to entertain, or matters caught by the provisions of Statute of Limitation, would an objection to the jurisdiction of the court to entertain the matter not be raised before the plea of the defendant? We submit that such an objection can be raised at any time in the course of the proceedings.

### **When to Deliver Ruling on Preliminary Objection on Jurisdiction under the Administration of Criminal Justice Act, 2015**

The position of the law as established in plethora of cases is that objections on the jurisdiction of the court must be resolved before proceeding further in the trial. The implication is that once the jurisdiction of the court is challenged, the court must deliver ruling on such objection before embarking on any other business. The law is that such objection can be raised even for the first time on appeal without leave. <sup>[20]</sup>

In *Belgore v Federal Republic of Nigeria* <sup>[21]</sup> the Supreme Court held on the determination of the issue of jurisdiction when raised that 'it is a threshold point of fundamental importance in that once it is raised, it should be thoroughly examined upon available facts and evidence'. Also in *Nigeria Security & Civil Defence Corps v Oko* <sup>[22]</sup> the Court of Appeal re-echoing the Supreme Court position held that 'the law mandates the courts to accord prime attention to the issue of jurisdiction first where it germinates from any proceedings before it'.

The inevitable question is, after the hearing of the preliminary objection challenging the jurisdiction of the court, when will the court deliver its ruling on the objection? Unlike delivery of judgment which is regulated by statute to be 90 (ninety) days from the date of conclusion of evidence or final address <sup>[23]</sup>, time within which to deliver ruling after adoption of argument by parties are left to the discretion of the court. It is not regulated by statute. Upon delivery of the ruling by the court especially in criminal trials, and once it does not favour the defendant, an appeal will be filed by the defendant challenging the decision of the court. Upon filing of the appeal, the defendant will also bring an application for stay of proceedings before the trial court pending the

determination of the appeal on the ruling of the court on the interlocutory application. Where the decision appellate court (Court of Appeal) is not in favour of the defendant/appellant, he will again file another appeal at the Supreme Court. This procedure is often adopted to annoy, irritate, delay proceedings, and ultimately frustrate the trial of the substantive case before the trial court. Where the duration of the interlocutory appeal from Court of Appeal to Supreme Court last for a period of 10 (ten) years or more as is usually the case in Nigeria, the trial of the substantive case will be stayed until the final determination of the interlocutory appeal. Upon resumption of the trial at the trial court, it will be observed that witnesses are no longer available or may have died, witnesses are old and can no longer recollect what transpired, documentary evidence disappeared or lost in the course of movement of the case file, the prosecutor has retired or transferred, the judge has been transferred or retired meaning the case will start *de novo*; nominal complainant no longer interested to pursue the case; It is submitted that the occurrence of any the above event will frustrate the trial and the defendant goes home as a free man without paying for his unlawful actions.

It is the above mischief and injustice which ultimately metamorphosed to the denial of access to justice that the provisions of the second limb of section 396 (2) ACJA <sup>[24]</sup> is targeted to confront. The section provides:

'After the plea has been taken, the defendant may raise any objection to the validity of the charge or the information at any time before judgment provided that such objection shall only be considered along with the substantive issues and a ruling thereon made at the time of delivery of judgment'. (Underlining ours for emphasis).

The second limb of the above provision enables the court to hear such preliminary objection but defer the ruling to the time when judgment will be delivered on the substantive issues. This position has been upheld by our courts. In *Jeremiah v Federal Republic of Nigeria* <sup>[25]</sup> the appellant with others were arraigned at the High Court of Ibadan, Oyo State for the offences of Conspiracy and Forgery where he pleaded not guilty to the charge. In the course of the trial he subsequently filed a notice of preliminary objection urging the court to quash the charge against him on the ground that the attached proof of evidence cannot sustain the charge against him and that the Respondent EFCC cannot prosecute for forgery and conspiracy to commit forgery thereby challenging the court's jurisdiction. After taking argument the court adjourned for ruling and on the date of ruling he informed parties that if he is to deliver ruling it will touch on the substantive case, and he deferred the ruling to the date of delivering of judgment in the substantive case relying on section 396 (2) ACJA. Dissatisfied, appellant appealed to the Court of Appeal wherein the appeal was dismissed and section 396(2) ACJA upheld.

In *Destra Investment Ltd v Federal Republic of Nigeria* <sup>[26]</sup> the appellant and 2<sup>nd</sup> respondent were arraigned at the Federal High Court, Abuja for money laundering where they pleaded not guilty. Prosecution called 8 witnesses and closed its case. Appellants no case submission application was dismissed and they opened their defence. They subsequently filed preliminary objection challenging the jurisdiction of the court to entertain count 1 and 2 on the grounds that they contain the issue of award of contract for which the Federal High Court cannot entertain. After hearing the parties, the trial court deferred the ruling to be

considered along the substantive issue to the time of delivery of judgment. The trial court *suo moto* struck out the appeal and held that appellant ought to have obtained leave and failure makes the appeal incompetent. It went further to hold that nothing was wrong with the approach adopted by the trial court. Still dissatisfied, appellant approached the Supreme Court on the issue as to the exercise of discretion of the trial court who deferred ruling on the preliminary objection to the time of delivery of judgment on the substantive issue. The Supreme Court upheld the decision of the trial court pursuant to section 396 (2) ACJA as it accords with speedy dispensation of justice.

### **Section 396 (2) Administration of Criminal Justice Act, 2015 Versus Section 36 (1) 1999 Constitution on Speedy Dispensation of Justice**

The essence of section 396 (2) ACJA <sup>[27]</sup> under consideration is to further the course of justice by the elimination of any clog or possible road blocks usually erected by defence counsel against the smooth movement of the course of justice and to eliminate technicality in the administration of justice. The Supreme Court in *Destra Investment Ltd v Federal Republic of Nigeria* <sup>[28]</sup> deprecated the attitude of senior counsel for the appellant when it held:

“The learned senior counsel for the appellant should have been more circumspect in not only associating himself with this appeal in the first place but pursuing it further to the apex court...the misconception of appellant’s counsel in this appeal is conspicuous. The course embarked upon by the appellant does not seem intended to further the course of justice, particularly speedy trial that section 396(2) ACJA and section 36(1) of the Constitution are all about” <sup>[29]</sup>.

Section 36(1) of the constitution <sup>[30]</sup> provides:

“In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

(4) Whenever any person is charged with a criminal offence, he shall, unless the charge is withdrawn, be entitled to a fair hearing in public within a reasonable time by a court or tribunal.”

In *Obasi v State* <sup>[31]</sup> the Supreme Court held on the need to avoid delayed justice and hurried justice as follows:

“It is the desire of all involved in the administration of justice to uphold the principle which states that justice delayed is justice denied. However, it is equally unacceptable to encourage or do injustice in an attempt at speedy dispensation of justice. Justice may be slow sometimes but it will surely arrive at its destination. Justice delayed is justice denied. The reverse is equally disturbing. Justice rushed is a travesty of justice and a threat to the fabric that binds civilised society together. The balance is what the law seeks when justice is to be administered as delayed justice is as equally untoward and unconscionable as hurried justice. Hence, while justice delayed is tantamount to justice denied, similarly hurried justice is hurried justice. Both are to be avoided in the pursuit of justice”. <sup>[32]</sup>

Consequently, it is our submission that the interpretation to be accorded to section 396(2) ACJA must be such an interpretation that would reflect the clear intention of the legislature in combating the mischief of delayed justice by

promoting access to justice for all in line with section 36(4) of the Constitution.

### **Does Section 396 (2) Administration of Criminal Justice Act, 2015 regulate the time within which to Deliver Ruling on all Preliminary Objections?**

It is submitted that to answer the above question in the affirmative will lead to absurdity which obviously cannot be the intention of legislature. For instance, where the prosecution has committed an abuse of court process by filing a subsequent charge on the facts and against the same defendant in the Federal High Court without first withdrawing a previous charge pending at the Magistrates’ Court and an objection to the jurisdiction of the court is raised by the defence counsel, would the ruling on this preliminary objection be deferred till the time of delivery of judgment in the substantive case? assuming the objection is based on the issue of *autre fois acquit or autre fois convict or on statute bar*, would the court defer the ruling until the date of judgment on the substantive issues? In *Maina v Economic and Financial Crime Commission* <sup>[33]</sup> where the prosecution instituted two actions in different courts, on same transactions, and against the same defendant, the court held that the later action must be dismissed for being an abuse of court process. In this case the court did not defer the ruling to the time of delivery of judgment as such would have amounted to injustice. Furthermore, in another scenario where a matter for which only the State High Court is conferred with jurisdiction has been brought at the Federal High Court and an objection is raised, would the ruling on this preliminary objection be deferred till the time of delivery of judgment in the substantive case?

It is submitted that it is not all rulings on preliminary objections on the jurisdiction of the court that should be deferred until judgment. In a clear case of lack of jurisdiction, the judge is encouraged to deliver its ruling as to do otherwise would amount to injustice on the defendant/applicant who would have been made to undergo a protracted criminal trial for years only for his objection to be upheld at the time of delivery of judgment on the substantive issues. We are fortified in this position by reliance on section 306 of ACJA <sup>[34]</sup> which prohibits application for stay of proceedings in criminal matter as parties are not allowed to file for stay of proceedings pending appeal.

### **Palliative Offered by Section 306 Administration of Criminal Justice Act, 2015 and Delivery of Ruling on Preliminary Objections on jurisdiction of the court under Section 396 (2) ACJA**

Section 306 ACJA provides that ‘an application for stay of proceedings in respect of a criminal matter before the court shall not be entertained’. The researchers submit that this provision is the anathema to legal practitioners who are in the business of erecting road blocks for speedy dispensation of justice. Stay of proceedings application is the pre-cursor of delayed justice in criminal trials in Nigeria that defence counsel will always rely on to hang a criminal trial for years to the detriment of the State and criminal justice system. Gone are those days and we are now in the regime of Access to Justice under the ACJA. The Supreme Court had the occasion to define stay of proceedings in the case of *Mohammed v State* <sup>[35]</sup> as ‘the stopping or arresting of a judicial proceeding by the direction or order of a court. It is

a kind of injunction with which a court freezes its proceedings at a particular point, stopping the prosecution of the action altogether or holding up some phase of it...'

It is our informed belief that rulings on preliminary objection can be safely delivered upon conclusion of arguments on it by counsel rather than deferring the delivery to the time of delivering judgment on the substantive issues. Our reason for this submission is that irrespective of the outcome of the ruling, the defence counsel is not permitted by law to bring application for stay of proceedings if he files an appeal against the ruling. The implication is that the trial cannot be stalled which is primarily the intention of the defence counsel to use interlocutory appeals to delay the trial. The Supreme Court in the case of *Metuh v Federal Republic of Nigeria*<sup>[36]</sup> affirmed the statutory position on the outlaw of stay of proceedings in criminal trials in Nigeria.

### Conclusion and Suggestions

The major objectives of the Administration of Criminal Justice Act, 2015 to foster access to justice by enhancing speedy trial through the elimination of delays orchestrated by interlocutory appeals has been greatly achieved. This has been achieved primarily by the elimination of applications for stay of proceedings and not necessarily by the introduction of section 396(2) ACJA which provides that rulings on objections as to the validity of the Charge or Information shall be delivered alongside the judgment at the end of the trial. Though the essence of section 396(2) ACJA is to limit and or eliminate unnecessary interlocutory application in criminal trials in order not to delay/frustrate/interrupt the rhythm of the trial court, but stretching the interpretation beyond imagination that rulings on other preliminary objections on grounds of jurisdiction of the court will be delivered at the time of delivery of judgment on the substantive issues will lead to absurdity and cause great injustice on the defendant/applicant assuming the objection is found to be meritorious at the end of the trial. It is our suggestion that the court should sift the objections before it in order to determine the ones that are meritorious having the capacity of deciding the case at that stage from others that is brought merely disorganise and frustrate the prosecution. It is submitted that the injustice that will be foisted on the defendant will be monumental if the ruling delivered at the end of the trial on the objection is in his favour. This will erode the gains achieved by enhancing speedy trial at the expense of access to justice for the defendant.

It is suggested that the Act should be amended by making a provision for a period of 14 days for the court to deliver its ruling whenever there is an objection to the jurisdiction of the court *qua* jurisdiction. The law makers did not envisage a situation where the ruling on all objections will be deferred to the date of delivery of judgment on the substantive issues.

### Reference

1. *Zabusky v Isreali Aircraft Industries* All FWLR (Pt. 352) 1759, 2007.
2. See *Solumade v Kuti* 1 NWLR (Pt. 1810) 31 at 63, 2022.
3. LPELR-4181 CA, 2016.
4. 1 All NLR 581, 1962.
5. 15 NWLR (Pt.1853) 231 S.C, 2022.

6. BA Garner, *Black's Law Dictionary*, 9th ed. (Dallas Texas: West Publishing Co), 2009, 927.
7. 15 NWLR (Pt. 1854) 475 SC; See also *Nigerian Army v Abuo* (2022) 12 NWLR (Pt. 1844) 349 at 365, 2022.
8. See section 26 National Drug Law Enforcement and Agency Act, Cap N30, Laws of the Federation of Nigeria, 2004.
9. See generally B.A Garner, *Black's Law Dictionary*, 9th ed. (Dallas Texas: West Publishing Co), 2009, 927-933.
10. 1 All NLR (Pt. 4) 117 per Baramian J.S.C, 1962.
11. 14 NWLR (Pt. 1851) 459 at 469 S.C, 2022.
12. 5 NWLR (Pt. 1822) 99 at 132, 2022.
13. <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-14/key-issues/2--general-issues--public-prosecutors-as-the-gate-keepers-of-criminal-justice.html> accessed 17th November 2022 at 01:40pm.
14. 3 NWLR (Pt. 1764) 503 at SC, 2021.
15. *Supra* note 2 at 64.
16. Section 221 Administration of Criminal Justice Act, 2015.
17. 6 NWLR (Pt. 1827) 509 at 532 SC, 2022.
18. Administration of Criminal Justice Act, 2015.
19. The Rule against Ambiguity; the Rule against Duplicity; the Rule against Mis-joinder of offences; the Rule against Mis-joinder of offenders.
20. *Sulaiman v Federal Republic of Nigeria* 18 NWLR (Pt. 1755) 180 at 198 S.C, 2020.
21. 3 NWLR (Pt. 1764) 503 at, 2021.
22. 10 NWLR (Pt. 1732) 288 at, 2020.
23. See Section 294 (1) Constitution of the Federal Republic of Nigeria as amended, 1999.
24. ACJA, 2015.
25. LPELR-46050 CA, 2018.
26. LPELR-43883(SC); (2018) 8 NWLR (Pt. 1621) 335 SC, 2018.
27. Administration of Criminal Justice Act, 2015.
28. *Supra* note 26.
29. Per Eko J.S.C. at page 345 paras. B-D
30. Constitution of the Federal Republic of Nigeria (as amended), 1999.
31. 4 NWLR (Pt. 1766) 242 at 259 S.C, 2021.
32. See also *Danladi v Dangiri* 2 NWLR (Pt. 1442) 124, 2015.
33. 2 NWLR (Pt. 1708) 230 at 265, 2020.
34. Administration of Criminal Justice Act, 2015.
35. 5 NWLR (Pt. 1613) 540 at 576, 2018.
36. 11 NWLR (Pt. 1575) 157, 2017.