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**QUESTION 1**

State clearly the procedure from arraignment to imposition of sentence in a criminal trial in the high court. Comment on the remedy available to the accused after the imposition of a sentence.

INTRODUCTION

Criminal procedure and prosecution develops in a series of stages, beginning with an arrest and ending at a point before, during or after trial. The majority of criminal cases terminate when a criminal defendant accepts a plea bargain offered by the prosecution. This whole process is usually explained to the defendant in a case by their attorney. In a plea bargain, the defendant chooses to plead guilty before trial to the charged offenses, or to lesser charges in exchange for a more lenient sentence or the dismissal of related charges. This paper is basically going to deal with the criminal procedure from arraignment to imposition of sentence in a criminal trial in the high court in Nigeria.

CRIMINAL PROCEDURE IN A CRIMINAL TRIAL IN THE HIGH COURT OF LAGOS STATE

Usually, the criminal procedure in a high court begins from the indictment or information stage and an indictment simply means a formal document accusing one or more persons of committing a specified indictable offence or offences. This indictment is a criminal charge brought against a person by the Attorney General or any of his subordinate legal officers on behalf of the state or country[[1]](#endnote-1) Then the procedure moves unto proofs of evidence. This basically means the names, addresses and written statements of the witnesses, that the prosecution wishes to call. The next step in the criminal procedure in a high court is the arraignment process which will be duly explained below along with other processes up till the stage of imposition of sentence.

**ARRAIGNMENT**

An arraignment can be defined as a formal reading of a criminal charging document in the presence of the defendant to inform the defendant of the charges against the defendant. It is the calling of an accused person formally before the court by name at the beginning of a criminal proceeding to read him the indictment or information brought against him and to ask him whether he pleads guilty or not guilty. The suspect or defendant in any case makes his first appearance during the arraignment. In other words, arraignment means, the registrar or other officer of the court calling the accused by name while the accused is standing in the dock and reading over and explaining the charge of information to the accused in a satisfactory way and asking the accused to make a plea thereto instantly.

In the case of ***KUJOBO V. STATE (1988) 1 NWLR (PT.73)721***[[2]](#endnote-2), The Appellant, Sunday Kajubo was tried by Oshodi, J., of the High Court of Lagos State, Ikeja Judicial Division on a two-count charge of robbery punishable under ***section 402(2)(a) of the Criminal Code Law, (Cap. 31), Laws of Lagos State.*** He was found guilty (due to the arraignment process) and sentenced to death. His appeal against the conviction and sentence to the Court of Appeal, Lagos Division was also dismissed. He has now further appealed to another Court. An accused may plead in the following ways;

1. Autrefois acquit: This is a plea that has been tried for the same offence before and has been acquitted. This plea is an application against double jeopardy, which can be understood better in ***Section 36(9)*** ***of the Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as altered)*** has shed light on this therefore providing that “No person who shows that he has been tried by any court of competent jurisdiction or tribunal for a criminal offence and either convicted or acquitted shall be tried again for that offence or for a criminal offence having the same ingredients as that offence save upon the order of a superior court”[[3]](#endnote-3). Also, in the case of ***NAFIU v. KANO STATE (1980) LCN/01876(SC)[[4]](#endnote-4)*** the defendant was going to be tried twice for the same offence which constitutes double jeopardy and the court did not let it go through.
2. Autrefois convict: this means a plea that he has been tried and convicted for the same offence on a previous occasion.
3. To stand mute: when an accused stands mute, a plea of not guilty is usually entered.
4. Plea of guilty to a lesser offence: This is when an accused intends to plead “not guilty” but also pleads guilty to a lesser offence which is not on the indictment.
5. He may plead guilty
6. He may plead not guilty

**PLEA OF GUILTY**

When an accused pleads guilty it means they admit to committing the offence they were charged with. The court will then decide what punishment (sentence) the offender will be given. Depending on the seriousness of the charges, the court may sentence the offender straight away, or order a sentence report before sentencing the offender on a later date. These reports are prepared by probation officers and usually take a few weeks to prepare.

Also, in a situation when an accused pleads guilty, the counsel in the prosecution team will give the court a summary of the evidence together with details of the accused person’s background. After this, the counsel for the defense usually makes his plea in mitigation of sentence and the court then passes its sentence.

**PLEA OF NOT GUILTY**

If the defendant or accused in a case pleads not guilty it means they are saying or implying they did not commit the offence. The case will go to trial and the prosecutor must prove beyond reasonable doubt that the defendant committed the offence. The defendant after pleading not guilty, has the fundamental right to go on appeal to a court with higher jurisdiction for their case to be heard. If the charge is a *Category 3 offence* (an offence punishable by a prison term of two years or more), the defendant has a right to choose to be tried by a jury. The defendant should tell the court they want to be tried by a jury when they make their plea.

**PLEA BARGAINING**

A plea bargain can also be referred to as plea negotiations. In law, it is the practice of negotiating an agreement between the prosecution and the defense whereby the defendant pleads guilty to a lesser offense or (in the case of multiple offenses) to one or more of the offenses charged in exchange for more lenient sentencing, recommendations, a specific sentence, or a dismissal of other charges. The great majority of criminal cases in the United States involve some form of plea bargaining. According to Malemi, it is negotiating and agreeing for an accused to plead guilty to a lesser crime, in exchange for the dismissal of the serious criminal charge brought against him and for a quicker disposal of the entire criminal proceedings[[5]](#endnote-5). Supporters of plea bargaining claim that it speeds court proceedings and guarantees a conviction, whereas opponents believe that it prevents justice from being served and this writer is also of this opinion.

The idea of plea bargain is not very far-fetched in our Nigerian Legal System today although it began in the western countries. In Nigeria, our criminal procedure laws have provision for an accused to plead guilty to a lesser offence instead of the more serious offence brought against him.

**PROSECUTION**

The counsel for the prosecution team always opens a criminal proceeding by calling evidence for the prosecution. He calls his witness and examines each in chief, and tenders any exhibits they may have as evidence before the court. The witnesses are then cross examined by the defense counsel and re-examined by the prosecuting counsel as may be necessary and the case for the prosecution closes. The burden of proof on the prosecution in criminal proceedings is proof beyond reasonable doubt this is true to upholding the fundamental principle that everyone is innocent until proven guilty. Where the burden of prof is not discharged, the charge of information is usually dismissed and the accused is legally entitled to be set free and is accordingly discharged and acquitted.

**SUBMISSION OF “NO CASE TO ANSWER”**

When a “no case submission”is made, it basically means that the defendant is asking the court for an acquittal without it having to present a defense. The defendant is literally saying to the court that there is no case to answer i.e. the prosecution has not sufficiently proven the legal threshold to establish the commission of a crime in the court of law. At the close of a case, for the prosecution, the defense counsel may submit that the prosecution has not produced sufficient evidence or made out a prima facie case against the accused and consequently, the accused has no case to answer and therefore the case should not proceed any further.

The submission is reliant on the strength (or rather, the lack thereof) of the prosecution’s evidence.  When used, the results are extremely beneficial to a defendant because, when successful, it means that the case effectively stops without the need for the defendant to call any evidence at all.

The defense makes the plea by filing an application before the court, and if the judge agrees, then the matter is dismissed and the defendant is acquitted without having to present any evidence in their defense. If the judge does not accept the submission, the case continues and the defense must present their case. Therefore, because the defense really loses nothing by filing a no case submission application, it is a very common defense tactic used in criminal cases in Nigeria.

**DEFENCE**

After a case has been closed for the prosecution and the failure of a case of no submission, if the submission was actually made, the case for the defense then opens. The accused and his witnesses, if any, are, one after the other, led in evidence-in-chief by the counsel for the defense and are cross-examined by the prosecuting counsel and re-examined by the defense counsels may be necessary. There is always a specific procedure followed then this is done, each witness undergoes the whole process before another witness. At times, this procedure can be broken or gone against and some good reasons to do this include the need to take the evidence of a witness who is obviously very busy to attend the trial and become a witness. After the witness for the defense have testified and tendered any exhibit they may have testified and tendered any exhibit they may have, the case for the defense closes.

**CLOSING ADDRESSES**

After the case has been closed on the part of the defense, the counsel of both sides then make closing speeches by addressing the court from their filed written addresses. The prosecution counsel is always the first to address the court. He is saddled with the duty of summing up or reviewing case on both sides. He points out the strength of the case for the prosecution and identifies the weakness if any of the defense and then urges the court to convict the accused as charged. However, regardless of all of this, it is a general rule that states that the case of the prosecution on its own. This is so, for in criminal proceedings the burden of proof on the prosecution is proof beyond reasonable doubt. It is worthy of note that, a case must be proven beyond reasonable doubt, but not beyond the shadow of doubt.

**JUDGEMENT**

After the commencement of the closing address by both counsels, the judge then fixes a date for the judgement provided that it is not a summary trial, and the court rises in adjournment to enable it deliberate, consider, or evaluate the totality of evidence in the case. On the adjourned date, the court resumes siting and the case will be called upon and the judge will begin to deliver its judgement there and then, or the judge may go back to his chambers to reconsider the judgement and gives a verdict that same day or at a later date.

If the defendant is found guilty of one or more charges, a sentencing date will be set. Depending on the severity of the crime they were convicted of and the potential sentence, the defendant may be held in custody until sentencing or be released until the sentencing date. In summary, the judge may find the accused guilty or not guilty as the case may be.

**DISCHARGE**

If an accused person has not yet been found guilty, on merit, the judge will dismiss the information or charges and accordingly discharge and acquit the accused person as provided under the criminal procedure law. On the other hand, if the prosecution failed on a technicality, then the court will usually discharge the accused, but not acquit him.

In a case where one has been found not guilty, the court will make one or more of the following orders:

1. Order of acquittal
2. Order of discharge of the accused on the charges
3. Dismissal order which will dismiss the order or charges; and
4. Order of compensation as the case may be for the false, malicious prosecutions or even false imprisonment of the accused and so forth as may be relevant according to the circumstances of the case.

**SENTENCE**

According to Malemi, where an accused is found guilty, before passing sentence a plea for mercy or leniency is usually made by the defense counsel. After the plea, the judge passes the sentence on the accused. During the sentencing phase of a criminal case, the court determines the appropriate punishment for the convicted defendant. In determining a suitable sentence, the court will consider a number of factors, including the nature and severity of the crime, the defendant's criminal history, the defendant's personal circumstances and the degree of remorse felt by the defendant.

**QUESTION 1B**

Comment on the remedy available to the accused after the imposition of a sentence.

Usually, after a person has gone through the criminal procedure for a trial and they have been issued a particular amount of years to go to prison as their sentence. Also, the attorney of the defendant has a role to play in an effort to mitigate the number of years that their client has to spend in prison. Although, there are some remedies that are readily available for the court to consider after the imposition of a sentence on the defendant some of which are;

CLEMENCY

According to ***Merriam Webster’s dictionary***, clemency can be defined as a disposition to be merciful and especially to moderate the severity of punishment due. It can also mean a decision not to punish someone severely. By exercising clemency, the Government may pardon a convicted person or reduce their sentence. Clemency is for use in exceptional situations. The Government decides whether or not to grant clemency after an independent assessment in each individual case. Clemency is therefore not a right. Clemency can also mean a pardon from or mitigation of another legal consequence of a criminal act, such as an expulsion order issued by a court on account of a criminal offence

A clemency decision can mean that the convicted person is pardoned or that their sentence is reduced, so that, for example, a prison sentence is shortened or is changed to probation, a suspended sentence or a fine. In certain cases, the convicted person is granted a stay of enforcement of the sentence or an interruption of enforcement for a certain time. However, stays of enforcement are primarily a matter for the Nigerian Prison and Probation Service. However, anyone can apply for clemency for a convicted person. An application for clemency is to be submitted to the Ministry of Justice. The question of guilt when it comes to an application for clemency cannot be reviewed Only a court can examine the question of whether a person is guilty of a crime. The Government can never review the question of guilt in a criminal case. Damages and costs to be paid by the convicted person do not come within the scope of clemency.

There are some forms of amnesty and they include;

1. Amnesty: Amnesty can be defined as “a pardon by the government to a group or class of people, usually for a political offence; the act of a sovereign power officially forgiving certain classes of people who are subject to trial but have not yet been convicted”[[6]](#endnote-6) It is a pardon applied to a group of people rather than an individual. In other words, an amnesty has the effect of providing immunity from criminal prosecution for past offences. Weapon amnesties are often granted so that people can hand in weapons to the police without any legal questions being asked about where they obtained it from, why they had them, etc. usually, after a civil war, a mas amnesty may be granted to absolve all participants of guilt and “move on”. The benefits of amnesty are said to include an avoidance of expensive prosecutions, an encouragement to lawbreakers to identify themselves, and the promotion of reconciliation.

 If an amnesty is granted, it means that the offender will not be punished for his or her crime, that he or she and others will not be deterred from again committing the crime, and that the victim of crime, and his or her family, will be denied the satisfaction of seeing justice being done. An amnesty, however, affects fundamental rights. As the Constitutional Court of South Africa has recently explained: “Every person is entitled to protection from unlawful invasions of his or her rights to life, security of the person and dignity, and, when those rights are infringed, to be able to approach a court for relief. The granting of amnesty takes away this entitlement”.[[7]](#endnote-7)

1. Commutation: According to ***Merriam Webster’s dictionary,*** commutation can be defined as “a change of a legal penalty or punishment to a lesser one.” A commutation can also be seen as the substitution of a lesser penalty for that given after a conviction for a crime. The penalty can be lessened in severity, in duration, or both. The conditions in that case must be lawful and reasonable, and will typically expire when the convicted completes any remaining portion of his or her sentence.
2. Remission: this simply means when one is released from prison partially or temporarily for a said crime while still being considered guilty of the alleged crime. This cam also be referred to as remand, the proceedings by which a case is sent back to a lower court from which it was appealed, with instructions as to what further proceedings should be held. If a person has been imprisoned and part of their sentence is remitted, this means that they do not have to remain in prison for the full period of your sentence. For example, if one has been sentenced to 8 years’ imprisonment, the accused may be released after 6 years. In other words, the remaining 2 years of their sentence are remitted.
3. Reprieve: This form of clemency is actually a limited one. It simply means a stay on the punishment of a defendant. Simply put, a reprieve halts the implementation of a punishment for a short time. Some refer to reprieves as a “stay of execution.” It is a temporary postponement of a punishment, usually so the accused can amount to an appeal (especially if he or she has been sentenced to death).

Although a reprieve is temporary, it is also a powerful tool to challenge a conviction, reduce a sentence or avoid execution. It is very powerful because while there is a stay of proceedings, one can appeal to a higher court and the judgement of that more supreme court they have applied to can revoke the lower court’s judgement. Above all, it is a significant step towards freedom after a criminal conviction. It may be an inmate's opportunity to overturn a conviction.

1. Respite: This form of clemency is somewhat similar to the nature of reprieve after the conviction of a person. It can be seen as the delay of an ordered sentence upon the convicted, while the case be further investigated or even appeals can be conducted. Respite is also the act of reprieving; postponing or remitting punishment. It is leniency and compassion shown toward offenders by a person or agency vested with authority.
2. Expungement: Expungement also called “expunction” is a court-ordered process in which the legal record of an arrest or a criminal conviction is "sealed," or erased in the eyes of the law. When a conviction is expunged, the process may also be referred to as "setting aside a criminal conviction." The availability of expungement and the procedure for getting an arrest or conviction expunged, will vary according to several factors, including the state or county in which the arrest or conviction occurred. In some jurisdictions, it's not possible to get an expungement.

Talking about the legal effect of an expungement,an expungement ordinarily means that an arrest or convictions "sealed," or erased from a person's criminal record for most purposes. After the expungement process is complete, an arrest or a criminal conviction ordinarily does not need to be disclosed by the person who was arrested or convicted. For example, when filling out an application for a job or apartment, an applicant whose arrest or conviction has been expunged doesn't need to disclose that arrest or conviction. In most cases, no record of an expunged arrest or conviction will appear if a potential employer, educational institution, or other company conducts a public records inspection or background search of an individual's criminal record.

**CONCLUSION**

In summary, sentencing an accused person is a very crucial part of the criminal justice system or administration of justice process. With the existence of all of these remedies mentioned above, it simply denotes that nobody wants to be imprisoned or wants a death sentence issued to him or her and so when accused persons get sentences, they with their attorneys pursue some if not all of the remedies in an effort to mitigate the sentence being issued to them.

**QUESTION 2**

Comment on the various methods by which civil proceedings may be commenced in the high court.

Civil proceedings can be carried out in different types of ways in a high court and some of which are;

1. By Writ of Summons,
2. By Originating Summons,
3. By Petition and
4. By Originating Motion or application.

These methods will be explained in a more detailed manner below.

**BY WRIT OF SUMMONS**

According to the ***Longman Business Dictionary***, a Writ of Summons can be defined as a way of starting a legal action by someone who has a claim against a particular person, that orders that person to come to court unless they admit the claim. To put in more legal terms, a Writ of Summons is a formal document issued by a court stating concisely the nature of the claim of a plaintiff against a defendant, the relief or remedy claimed and commanding the defendant to “cause an appearance to be entered” for him in an action at the suit of the plaintiff within a specific period of time, usually eight days, after the service of the writ on him, with a warning that, in default of his causing an appearance to be entered as commanded, the plaintiff may proceed therein and judgment may be given in defendant’s absence. In a nutshell, a Writ of Summons is a formal document addressed to the defendant requiring him to enter an appearance if he wishes to dispute the plaintiff’s claim. Generally, all actions are to be commenced by the writ of summons except where there is any express legislation prescribing another mode ***– Order 3 Rule 1 & 2 Lagos High Court (Civil Procedure) Rules 2004; Order 1 Rule 2, Uniform Civil Procedure Rules (UCPR); and Order 4 Rule 2, Abuja.***

Some cases that are related to this topic are the cases of ***NBN Ltd v.  Alakija [1978] ANLR 231*** and also the case of ***Doherty v. Doherty (1968) NMLR 241.***

According to ***Order 2 Rule 1, of the Lagos High Court (Civil Procedure) Rules. 2004***. All civil actions commenced by writ of summons are to be accompanied by the following;

1. Statement of claim;
2. List of witnesses to be called at the trial;
3. Written statement on oath of the witnesses; and
4. Copies of every document to be relied upon at every trial

There is something called endorsement of writs and this occurs when a writ contains a concise statement of the grounds of the complaint or claim and the relief or remedy to which the plaintiff or claimant considers himself entitled. This concise statement of the plaintiff or claimant is called the “particulars of claim” and it is required to be endorsed at the back of the writ.

All writ of summons must have endorsed on it by the claimant (plaintiff) the nature of the claim being made or the relief sought. This endorsement is at the back of the writ of summons. This is to enable the defendant tell at a glance the nature of the action and the relief claimed against him.

**BY ORIGINATING SUMMONS**

An Originating summons can be defined as the summon that sets out the questions the court is being asked to settle. When the facts in a case are not disputed, but the interpretation of the law or of the documents needs to be resolved, an originating summons is prepared. An Originating summons compared to a Writ of Summons, the Originating Summons is a simpler and swifter procedure for the resolution of disputes as it is determined generally on affidavits filed and does not involve pleadings or many interlocutory proceedings.

In other words, an Originating summons can be referred to as a summons that initiates proceedings. However, a summons in a pending matter does not initiate proceedings but it is used for making interlocutory applications in a pending cause or matter.

Generally, originating summons is used for non-contentious actions, that is, those actions where the facts are not likely to be in dispute (a question of law rather than disputed issues of facts). When the principal question in issue is or is likely to be one of construction of a written law or any instrument or of any deed or will or contract, originating summons may be used for the determination of such questions or construction. Within this area of discussion, there are some related cases to this topic some examples are; Unilag ***v. Aigoro (1991) 3 NWLR (Pt. 179) 376***, it was held that originating summons is used where it is sought to correct errors in a judgment; In ***Orianwovo v. Orianwovo (2001) 5 NWLR (Pt. 752) 548***, it was held that an action for declaration of title to land ought not to be commenced by originating summons.

In ***Fagbola v. Titilayo Plastic Industries (2005) 2 NWLR (Pt. 909) 1 at 19***, it was held that where proceedings are commenced by originating summons, pleadings are not used, that is, no statement of claims or defense are filed.  Rather, affidavit evidence in support of originating summons and counter affidavit will take the place of pleadings – **Order 3 R. 5 and 6 Lagos; Order 1 Rule 2(2) Abuja; and Order 1 Rule 2(2) Kano**.

In Lagos, according to ***Order 3 Rule 8(2) of the Lagos High Court (Civil Procedure) Rules. 2004*** an originating summons shall be accompanied by:

1. An affidavit setting out the facts relied upon
2. All the exhibits to be relied upon; and
3. A written address in support of the application.

**BY PETITION**

According to ***Black’s Law Dictionary 6th edition***, a petition can be defined as “a written address, embodying an application or prayer from the person or persons preferring it, to the power, body, or person to whom it is presented, for the exercise of his or their authority in the redress of some wrong, or the grant of some favor, privilege, or license”. A petition can also be referred to as a written application in the nature of a pleading setting out a party’s case in detail and made in open court.

It is, however, only used where a statute or Rules of court prescribe it as such a process which can be referred to in **Order 1 R. 2(3) UCPR.** For example, ***section 410(1) of Companies and allied Matters Act (CAMA) 2004*** provides that *“an application to the court for the winding-up of a company shall be by a petition”*.Also, ***section 54(1) of Matrimonial Causes Act, 1970***provides that proceedings for dissolution of marriage are commenced by petition. ***The Electoral Act***also states that petitions are the only modes of procedure in election litigations. An election petition has been said to be similar to pleadings in civil matter as it is in that the practitioner sets out all the material facts he relies on for his petition as retracted from the case of ***Egolum v. Obasanjo (1999) 5 SCNJ 92 at 125.***

According to ***Order 7 R. 2(1) UCPR,*** a petition as the Uniform Procedure Rules shall include a concise statement of the nature of the claim made or the relief or remedy required in the proceedings begun thereby and at the end thereof a statement of the names of the persons, if any, required to be served therewith or, if no person is required to be served a statement to that effect.

As for the **endorsement of Petition**, it shall be endorsed with the names and addresses of the petitioner and his Legal Practitioner, or where the petitioner brings a petition in person and corresponding to those made in the case of a writ, with the endorsements of the name and addresses of the plaintiff and his Legal Practitioner according to ***Order 7 R. 2(3) UCPR*.**

**BY ORIGINATING MOTION OR APPLICATION**

An Originating Motion can be defined as an application of motion that commences a proceeding in a court.

This is the very last of the originating processes. Unlike a petition, this may be used where a statute has not provided for it. Originating application is used when facts are not in dispute and it is used when the action relates to the interpretation of a document. In an application for prerogative orders of certiorari, prohibition, mandamus, *Habeas Corpus*or enforcement of Fundamental Human Rights, originating motion may be used.  Significantly, where a state has not provided for a method for enforcing a right conferred by that statute, originating motion should be used – **Order 40 Rule 5(1) Lagos; Order 43 Rule 5(1) Kano; and Order 42 Rule 5(1) Abuja**.  It is rarely used in the Magistrate Court.

In the case of ***Chike Arah Akunna v. A-G of Anambra State & Ors (1977) 5 SC 161,*** its use was highlighted andit was held that the appropriate method of making an application to the court, where a statute provides that such an application may be made but does not provide for any special procedure, is an originating motion; ***Fajinmi v. Speaker, Western house of Assembly (1962) 1 All NLR (Pt. 1) 206.***

This rule was also re-stated in ***Kasoap v. Kofa Trading Co. (1996) 2 SCNJ 325 at 335,***that where it is sought to enforce a right conferred by a statute, but in respect of which no rules of practice and procedure exist, the proper procedure is an originating notice of motion.

REFERENCE:

* Constitution of the Federal Republic of Nigeria 1999 (as amended)
* http://www.victimsinfo.govt.nz/the-court-process/how-it-works/the-plea/
* https://www.britannica.com/topic/plea-bargaining
* <https://lawpadi.com/no-case-submission/>
* <https://www.citizensinformation.ie/en/justice/prison_system/remission_and_temporary_release.html>
* <https://criminal.findlaw.com/expungement/expungement-basics.html>

DATES ACCESSED: 11/4/2020, 12/4/2020.

1. *THE NIGERIAN LEGAL SYSTEM: Ese Malemi, 4th ed. Princeton Publishing Co. Ikeja Lagos, p.449.* [↑](#endnote-ref-1)
2. KUJOBO V. STATE (1988) 1 NWLR (PT.73)721 [↑](#endnote-ref-2)
3. Constitution of the Federal Republic of Nigeria 1999 (as amended) [↑](#endnote-ref-3)
4. NAFIU RABIU v. KANO STATE (1980) LCN/01876(SC) [↑](#endnote-ref-4)
5. *THE NIGERIAN LEGAL SYSTEM: Ese Malemi, 4th ed. Princeton Publishing Co. Ikeja Lagos, p.453* [↑](#endnote-ref-5)
6. *Bryan A Gardner (Black’s Law Dictionary).* [↑](#endnote-ref-6)
7. *Du Toit v Minister for Safety and Security [2010] 2 LRC 623 @ [26].* [↑](#endnote-ref-7)