

IN THE HIGH COURT OF LAGOS STATE
HOLDEN AT IKEJA JUDICIAL DIVISION
SITTING AT HIGH COURT NO. 11, SPECIAL OFFENCES COURT I
BEFORE THE HON. JUSTICE M.A. DADA (MRS.)
TODAY MONDAY THE 21ST DAY OF OCTOBER, 2019

SUIT NO: LD/7750C/2018

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA

COMPLAINANT

AND

DR. JOHN WARIMEME ABEBE

DEFENDANT

RULING

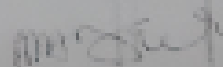
This is a Motion on Notice dated 20/09/19 and brought pursuant to Sections 35, 36, (5) of the 1999 Constitution as Amended and the inherent jurisdiction of this Court whereby the Defendant seeks an Order directing the immediate release of his Nigerian International Passport No. A50001241 for a period of 6 weeks which was deposited to the Deputy Chief Registrar of this Court in fulfilment of his bail conditions, to enable him travel to the United Kingdom for the purpose of obtaining medical treatment in respect of life threatening ailments, to wit: critical aortic stenosis and atrial fibrillation. The Affidavit in support is annexed with 6 exhibits and learned Counsel's Written Address, namely Asimiya Ayodeji Esq. of same 20/09/2019.

The Prosecution in opposition filed a Counter Affidavit and Written Address dated 3/10/19 while the Applicant filed a Further Affidavit in support of the Motion and a further and Better Affidavit in reply to the Prosecution's opposition. The opposition is premised on the apprehension of the Defendant absconding from jurisdiction. The further Affidavit deposed to by the Applicant himself has averred in paragraph 9 thereof that his Doctor's letter in Exhibit Abebe-8 states he needs 2-3 weeks for his radiological investigations. Exhibit Abebe -7 is the Assessment details signed by the medical officer Dr. Hope Nwinee and the Consultant Adeyemi Johnson of the First Cardiology Consultants on 8/10/19 which in particular has highlighted his cardiovascular history of "irregular rhythm, systemic murmur loudest in the aortic area". Therefore if the "murmur" in the aortic area is "loudest", the need for caution cannot be overemphasised. I do not think it will be too much to permit the

Defendant to travel for just 3 weeks from now given the fact that the last adjournment was at the instance of the Prosecuting Counsel and who was not even aware of the matter coming up last Thursday for the hearing of the Application to which he filed a Counter-Affidavit and a written Address and so was not in Court, but for the presence of Mr. Ozioko, the head of the Legal department in court for another matter. The case has been fixed for Friday 15th, Monday 18th and Tuesday 19th November, 2019 for continuation of the defence. While it may not be feasible that if the Defendant is granted leave to travel, he would be back by the 15th of November, I am of the view that he should be available to continue to stand his trial by 19th November, 2019. I will therefore in the interest of justice grant this application for the Defendant to travel for 2-3 weeks and be in Court by Tuesday 19/11/2019. The Defendant must however submit his Medical Certificate he referred to in paragraph 1 of his further and Better Affidavit but not exhibited as a condition for the grant of this Application.

Consequently, Friday 15th and Monday 18th November, 2019 dates are hereby vacated while case is further adjourned to Tuesday 19th November, 2019 for Continuation of Trial.

I so hold.


HON. JUSTICE M.A. DADA (MRS.)
JUDGE
(21/10/19)