

BEFORE HIS LORDSHIP: HON. JUSTICE S.E. ALADETOYINBO
COURT CLERK: M.S. USMAN & OTHERS
COURT NUMBER: HIGH COURT SIX (6)
CASE NUMBER: FCT/HC/CR/32/2011
DATE: 14TH OCTOBER, 2013

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

ABDULLAHI SHITTU - ACCUSED PERSON

Sunday Dick for the Accused person.

After the plea of the accused person was taken, the prosecutor called three witnesses and tendered so many exhibits and closed its case, the counsel to the accused person decided to make a no case submission.

The fact of this case as revealed by the witnesses is to the effect that one Alhaji Shehu Ashaka an elderly man was residing and working in Kano. He is also the Chairman/Managing Director of A. S.J. Global Link Limited which deals with sale of vehicles.

The accused person is an employee of the EFCC. He is also an investigator.

Alhaji Shehu Ashaka used his limited liability company A.S.J. Global Link Limited to supply fleet of vehicles to Nasarawa State Government, Nasarawa State House of Assembly and Chairmen of Local Government Councils, Nasarawa State. It was a massive contract executed by the company of Alhaji Shehu Shaka who testified as PW3.

It was not clear how the accused person got to know about the massive vehicles supplied by Alhaji Shehu Shaka's company to the various institutions. The accused telephoned PW3 and asked him as to whether it was true that his company supplied massive vehicles to Nasarawa State Government, Nasarawa State House of Assembly and Nasarawa Chairmen of Local Government. PW3 answered in the affirmative, the accused told PW3 to report to EFCC's office as a wanted person to be investigated.

The accused person invited PW3 to Abuja from Kano three times, each time PW3 arrived in Abuja the accused would tell him that he doesn't have the time to attend to him and that he should go back to Kano. By the 3rd time PW3 was invited by the accused, he decided to report the accused person to the then Chairman of

EFCC, Farida Waziri. On the 3rd occasion of coming to Abuja the 3rd witness lodged in Room 409 Nicon Noga Hilton Hotel; he telephoned the Chairman of EFCC that the accused person whom he thought was impersonating EFCC promised to meet him by 8:30 p.m. of 19th October 2011. The Chairman of the EFCC arranged for four EFCC operatives to lay ambush for the accused at Room 409 before his arrival for the purpose of arresting him. Only three of the four EFCC operatives hid themselves in Room 409; by the time the accused person arrived into the room, he told PW3 that he has to come back again another time. PW3 told the accused to allow him resolve the issue with the accused so as not to be coming from Kano to Abuja every time, then accused replied him that he was not the only one involved that he has superior officers. PW3 went into his room and brought out N100,000.00 in one Thousand Naira denomination and gave it to the accused for his transportation back home. Immediately the accused person received the money he put same into his pocket. The three EFCC operatives emerged and arrested the accused person, he was searched and the sum of N100,000.00 in one N1,000.00 denomination notes was recovered from his pocket. Two of the three EFCC operatives who laid ambush for the accused in Room 409 gave evidence as PW1 and PW2 respectively; they told the court that PW3 has no case in EFCC including his company A.S.J. Global Link Limited and therefore they could be subject of investigation by EFCC.

The question that arises is why was the accused person inviting PW3 who is old enough to be his grand-father to Abuja for three times to answer for investigation that was not in existence?

The accused person claimed in his statement admitted in evidence, that he was investigating sale of cars at exorbitant prices involving A.S.J. Global Link Limited sold to Nasarawa State Government and some traditional rulers. He accepted receiving the sum of One Hundred Thousand from PW3 in Room 409 Nicon Noga Hilton.

The only reason why the accused person can be inviting PW3 from Kano for the purpose of investigating him and his company is extortion, because PW3 and his company has no case with EFCC; why was the accused engaged in investigation that was not in existence? The evidence of PW3 completely exonerated the accused; he said the accused person did not ask him for money for the three times he was invited by the accused person. The old man claimed to have given the accused person the sum of N100,000.00 voluntarily for his transport back to his house.

There is no prima facie case of receiving bribery or gratification made against the accused person. There is also no prima facie case of extortion made against the accused person.

The accused's conduct is reprehensible; he grossly abused his power as EFCC investigator by suffering an innocent old man (PW3). He used the power conferred on him to invite the old man from Kano to Abuja three different times for investigation that was not in existence. The accused engaged in a grave misconduct by going to meet an

alleged "suspect" in his hotel room alone. The receiving of the sum of N100,000.00 by the accused from PW3 does not constitute gratification because there was no case to investigate. The sum of N100,000.00 accepted by the accused should be given back to PW3 because the accused is not expected to receive such money from him, while the sum of N38,630.00 recovered from him should be given back to him along with other items taken from him.

The accused person should not have been charged to court, he should have been disciplined for his misconduct.

The accused person is hereby discharged and acquitted, because no prima facie case had been made against him.

(Sgd)

**Hon. Justice S.E. Aladetoyinbo
(Presiding Judge)**

14/10/2013