

IN THE HIGH COURT OF JUSTICE OF KATSINA STATE OF NIGERIA  
IN THE KATSINA JUDICIAL DIVISION  
HOLDEN AT HIGH COURT NO.3 KATSINA

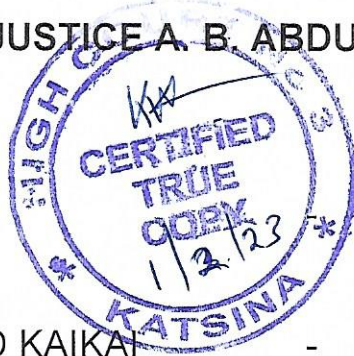
THIS 28<sup>TH</sup> DAY OF NOVEMBER, 2022

SUIT NO: KTH/21C/2020

BEFORE: HON. JUSTICE A. B. ABDULLAHI (JUDGE)

BETWEEN:

THE STATE  
VS



COMPLAINANT

BILKISU MUHAMMED KAIKAI - ACCUSED

R U L I N G:

It's crystal clear from the record of proceeding of the court pertaining to the case against the defendant. The consistently adjournment on the case has always been at the instance of the prosecution. The case was first mention on the 12/11/2020 and since then not even the plea of the defendant is heard and taken and the case came up for the 7<sup>th</sup> time all at the instance of the prosecution.

This court was right when it threaten the prosecution at the last adjournment for the prosecution to do the needful or risk the charge against the defendant struck out and the defendant discharge.

I am of the opinion that the reason advance by the prosecution is not sufficient enough to make the court have a charge of heart with regards to its order at the adjournment of the case. As rightly, stated by the defence counsel. The defendant is entitle to fair hearing and or trial within reasonable time. This is a constitutional right for which the court is guardian of the constitution must not be seen to be denied to the defendant. The prosecution had by their attitude to this case

demonstrated none diligence in the prosecution of the case and must be visited with necessary sanction.

After all it is a mere striking out of the charge and a discharge of the defendant for which the prosecution can always come back.

This court accordingly decline the application for adjournment sought for by the prosecution same being a discretion of the court given the circumstance of the case.

This court accordingly hereby struck out the charge against the defendant for non diligent prosecution and accordingly discharge the defendant forthwith.

Signed.

28/11/2022

