

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

THIS 13<sup>TH</sup> DAY OF FEBRUARY, 2023

SUIT NO: KTH/34C/2016

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

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT  
VS  
1. IBRAHIM SHEHU SHEMA - ACCUSED  
2. IBRAHIM LAWAL DAN-KABA



Defendants in court speaks English

Mr. S.T. Ologunorisa (SAN) appearing for the prosecution with Mr. Hassan Yusuf SG/PS (MOJ) Mr. A.R. Commassie DLP (MOJ), Mr. Offem I. Uket Esq. Abdurrahman Umar DPP (MOJ) , and Mrs Hadiza Umar PSC (MOJ).

Mr. E.Y. Kura (SAN) appearing with Adedayo Adediji Esq. and Mr. E. Mutum Esq. for the 1<sup>st</sup> defendant.

Mr. M.I. Abubakar Esq. for the 2<sup>nd</sup> defendant appearing with Mr. M.S. Mahuta Esq. and Mr. J.P. Israel Esq.

**Mr. S.T. Ologunorisa (SAN).** This morning being the 13<sup>th</sup> February 2023. The Hon Attorney General of Katsina State, in the exercise of the powers conferred on her pursuant to section 211(1)(c) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) has entered a Nolle Prosequi in this matter. The Nolle is dated the 10<sup>th</sup> February, 2023 consequently we have been directed to stop, cease and

discontinue forthwith this matter. In the light of this the only consequential order to made is to strike out the matter.

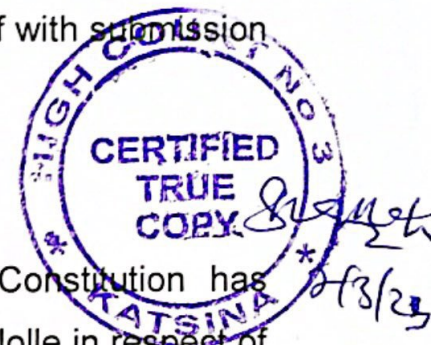
**Court:-** Any objection.

**Mr. E.Y. Kura (SAN).** We are not opposing the application except the order to make in addition to striking the matter is for the discharge of defendants, bearing in mind, the matter this has been in the cause list since 2016.

**Mr. Abubakar Esq.** On behalf of the 2<sup>nd</sup> defendant, we have no objection to the application; we have associated our self with submission of the counsel for the 1<sup>st</sup> defendant.

Signed.

13/2/2023



**Court:-** The provision of section 211(1)(c) of the Constitution has empowered the Attorney General of the State to enter Nolle in respect of a matter being prosecuted on his behalf. The case law position has stated the circumstances under which the Attorney General is to enter Nolle. That is to say the Nolle must have been entered in the overall interest of public which wide enough to subsume the interest of justice and the need to prevent abuse of judicial process. The net effect of Nolle when entered is to put an end or to stay the criminal proceeding before the court, and the court has no jurisdiction to question the reason of the Attorney General, behind the entering Nolle in respect of the proceeding. See **THE STATE VS ILLORI** (1983) 14 NSCC 69. As rightly submitted by the defence counsel where Nolle Prosequi is entered by the Attorney General of the State, the consequential order to be made by the court is not only to strike out the matter, but to equally discharge the defendants before it. Accordingly in view of the **NOLLE PROSEQUI** dated 10<sup>th</sup> day February 2023 entered by the Attorney General of Katsina State (Asma'u Umar Esq.) The case against the defendants namely case No.

KTH/34C/2016 between Federal Republic of Nigeria Vs Ibrahim Shehu Shema and Ibrahim Lawal Dan-kaba is hereby struck out and the defendants are accordingly discharged. I so hold.

Signed.

13/02/2023.

