

IN THE CHIEF MAGISTRATE COURT OF JIGAWA STATE
IN THE JIGAWA STATE MAGISTERIAL DISTRICT
HOLDEN AT CMC I DUTSE

BEFORE HER WORSHIP: **BATULA DAUDA ESQ.**
CHIEF MAGISTRATE GRADE I

SUIT NO. CR/69/2021

BETWEEN:

COMMISSIONER OF POLICE.....COMPLAINANT

VS

1. MAI UNGUWA ALI MUSA & 2 ORS
2. ALH. HASSAN WADA
3. MALAM SABO USMAN.....DEFENDANTS

OFFENCE: **CRIMINL CONSPIRACY, CRIMINAL TRESPASS, CRIMINAL
INTIMIDATION, CHEATING & INCITING DISTURBANCE.**

Defendants in court & Speaks Hausa.

Mustapha Musa interpreting.

ASP.Umar Bature prosecuting.

M.S. Dabo Esq. for the Defendant.

Pros: This is a new FIR for mention. I apply for the contents of the
FIR to be read and explained to the Defendants in the
Language they understands.

Court: Any objection?

DC: None.

Court: Application granted. FIR read and explained to the
Defendants in the Language they understand.

1

STATE JIGAWA
MAGISTRATE (C)
A. O. B. A. SABO
M.S. DABO
PROSECUTOR
28/2/23

explained to you?

1st Defendant: Yes, I understood.

2nd Defendant: Yes, I understood.

3rd Defendant: Yes, I understood.

Court: Is the information true or not?

1st Defendant: The information is not true.

2nd Defendant: The information is not true.

3rd Defendant: The information is not true.

Pros: The Defendants denied the contents of the FIR. Investigation is still in progress and I apply for another date.

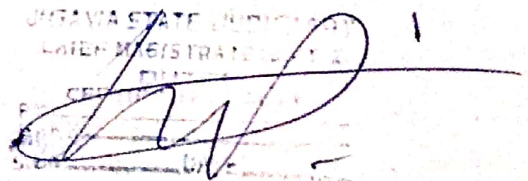
Court: Any objection?

DC: None for adjournment, but we have an application.

The application is brought pursuant to Section 169 of the ACJL, Section 35(4) and 36(5) of the Constitution of the FRN 1999 as amended.

The application is for bail of the Defendants. Bail is at the discretion of the court and was held in the case of *MUKTAR V. COP (2018) LPELR – 4631 CA*.

The Defendant undertook to be present at their trial and they will bring reasonable sureties to stand for bail and they will not temper with police investigation. Bail is at the discretion of the court and we urge the court to grant our application as all the offences charged are bailable offences.

UTERVA STATE JUDICIAL
MAGISTRATE
COURT


of their families. We urge the court to exercise its discretion in favour of the Defendants.

Court: Any objection?

Pros: We object to the application made. Considering the charges against the Defendants should not be released on bail in order to keep the people in the area in order to save the lives of the Defendants. We urge the court to refuse the application.

Court: Having heard the submissions of both sides, the court by virtue of the provisions of Section 169 of the ACJL Jigawa State and the decision in *SAIDU V. STATE (1982) 4 SC* the Defendants are admitted to bail in the sum of ₦100,000:00 each with two reliable sureties each in like sum.

In addition, all Defendants in this case together with the complainant in this case are hereby bound over by the court to keep the peace pending the determination of this case pursuant to Section 169 of the ACJL. Any party in default shall serve a period of 3 months in the custody of the Correctional Services in addition to the term of imprisonment to which he liable.

Case adjourned to 13th day of July, 2021 for further mention.

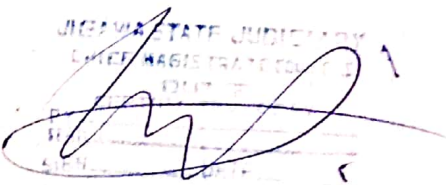
Signed
Chief Magistrate I
29/06/2021

Resumed Today 13/07/2021

Defendants in court and Speaks Hausa.

Mustapha Musa interpreting.

3

JIGAWA STATE JUDICIAL OFFICE
CHIEF MAGISTRATE COURT
DUTI


M.S. Dabo with A.B. Umar for the Defendants.

Pros: This case was slated today for further mention. Investigation is still in progress and I apply for another date.

Court: Any objection?

DC: None in respect of adjournment that the court made an order to sign bond and the complainant did not sign their own part. That is why we bring it to the notice of the court.

Court: The complainant in this case to ensure that they comply with the court order given.

Case adjourned to 2nd day of August, 2021 for further mention. Bail granted Defendants to continue.

Signed
Chief Magistrate I
13/07/2021

Resumed Today 25/08/2021


Defendants in court and Speaks Hausa.

Mustapha Musa interpreting.

A.S.P. Umar Bature prosecuting.

M.S. Dabo with A.B. Umar and M.T. Baba for the Defendants.

Pros: This case was slated today for further mention. Investigation is still in progress. There is a complaint through the watching brief consulting the prosecution. The Defendants are on bail writing condition and a bound to keep peace. Unfortunately the Defendants did not abide by the bond as they undertook on the form and meet the complainant.

A handwritten signature in black ink is written over a faint, circular official stamp. The signature is stylized and appears to be the initials of the Chief Magistrate. The stamp contains some illegible text, possibly a date or official designation.

position to state the identity of those that entered into the land in question, the court hereby direct the Complainant to be put the matter at the police station so as to reveal the actual persons working in the farm.

Case adjourned to 8th day of September, 2021 for further mention, bail granted Defendant to continue.

Signed
Chief Magistrate I
25/08/2021

Resumed Today 08/09/2021

Defendants in court and Speaks Hausa.

Abba Sabo interpreting.

A.S.P. Umaru Bature prosecuting.

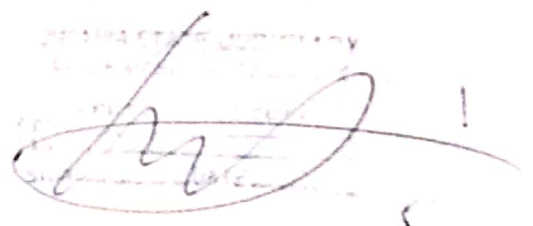
M.S. Dabo with M.I. Baba for the Defendants.

B.T. Mwoltu with Abubakar Isah Gantsa watching brief.

Pros: This case was slated today for further mention. Investigation is still in progress. However on the last adjourned date, the court asked the complainant to go and confirm and report the matter to the DPO to know the actual person that trespassed into the farm. The complainant is in court and will tell the court more about this.

Court: Yes.

Complainant: The persons that entered into the farmland as I reported, the names were given to me. One Usaini Abdullahi pleaded that he did not know the condition of this and he apologised.



land in dispute, this court hereby ordered that the registry should cause a letter to Higher Sharia Court Babura to furnish this court with particulars of the case as to the situation or condition before the former court.

Case adjourned to 5th day of October, 2021 for further mention. Bail granted Defendants to continue.

Signed
Chief Magistrate I
08/09/2021

Resumed Today 05/10/2021

Defendants in court and Speaks Hausa.

Abba Sabo interpreting.

A.S.P. Umaru Bature prosecuting.

M.S. Dabo with A.B. Umar and M.I. Baba for the Defendants.

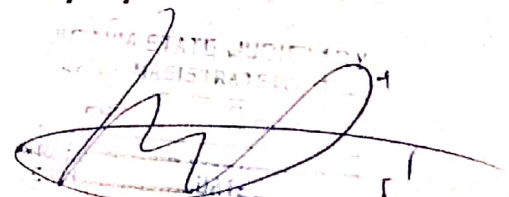
Pros: This case was slated today for further mention. On the last adjourned date, the court adjourned for a copy of the previous judgment of the Sharia Court (Higher). We want to know if the copy has been received by the registry of this court.

Court: There is contained in the case file a feedback of the letter sent to the Higher Shariah Court Babura.

Pros: We apply for another date for hearing.

Court: Case adjourned to 27th day of October, 2021 for hearing. Witness summons to issue. Bail granted Defendants to continue.

Signed
Chief Magistrate I
05/10/2021

A handwritten signature in black ink is written over a faint, circular stamp. The stamp contains the text "SHARIA COURT BABURA" and "CHIEF MAGISTRATE I". The signature is a stylized, cursive script.

Defendants in court and Speaks Hausa.

Abba Sabo interpreting.

A.S.P. Umaru Bature prosecuting.

A.B. Umar Esq. With M.I. Baba for the Defendants.

Pros: This case was slated today for hearing, we are ready.

Court: Are you ready?

DC: No the prosecution are yet to serve us with prove of evidence. More so, there is a recent adjournment, we have with us a court order of the Shariah Court of Appeal Dutse Division wherein the court ordered for a stay of execution of judgment order of Higher Sharia Court Babura. In view of the development, we do not know whether the prosecution are still instituted in prosecuting the case or they might be intended in withdrawing the case in the interest of justice.

Pros: We intend to continue with the prosecution of this case since the subject matter of this case is different from that of the Shariah Court of Appeal.

Court: Case adjourned to 30th/12/2021 for hearing. Documents asked for to be made available to the defence. Bail granted Defendants to continue.

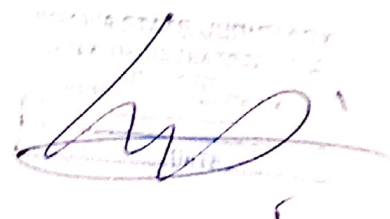
Signed
Chief Magistrate I
13/12/2021

Resumed Today 13/01/2022

Defendants in court and Speaks Hausa.

Abba Sabo interpreting.

A.S.P. Umaru Bature prosecuting.



Osman Gama watching brief for the nominal complainant.

This case was slated today for hearing. We are ready if the court is ready.

Any objection?

None.

You may proceed.

Examination in-chief of PW1

PW1: Male, Adult, Muslim and Affirmed.

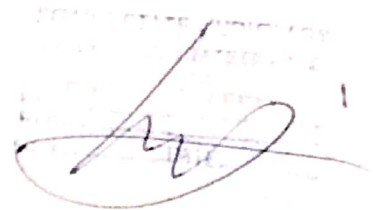
My name is Haruna Isari reside at Sule Tankarkar. I am 54 years old and a farmer/rearer.

I know the Defendants in respect of this case.

The Defendants trespassed into Samaila Abubakar Isah's farmland. Myself and the said Samaila Abubakar reported the matter to Garki Divisional Police Headquarters. We were made to enter into a land to keep the peace. As we constituted the farmland and planted guinea corn the Defendants went into the farm and made noises on the farmland. We then reported the matter to the State CID Dutse. That is all I know. There is also a document that vested the ownership of the farmland to us by the court.

Pros: We apply for the judgment of the court the witness referred in evidence.

Court: Any objection?



there is a pending Appeal on it. As such in the provision of Section 62 of the Evidence Act 2011 such documents cannot be tendered in evidence.

What determines admissibility is relevancy and the Section quoted by the defence counsel is only applicable to civil proceedings pending before a court. As such objection raised by the defence counsel is hereby overruled.

Regarding the application to admit the certificate of judgment or writ of possession before the court, the document sought to be admitted is a photocopy of the said document. And being a public document the only admissible evidence is a certified true copy of the original documents. Therefore the said certificate of judgment not been admissible is hereby marked as tendered and rejected.

Court:

Any cross-examination?

DC:

Yes.

Q:

Whether you were a party to the case where the complainant obtained this judgment?

Ans:

Yes.

Q:

Were you in court the date the judgment was delivered?

Ans:

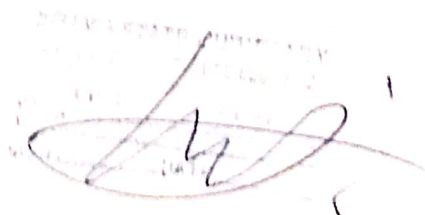
Yes.

Q:

Were the Defendant in court on that day?

Ans:

No.

A handwritten signature in blue ink is written over a circular stamp. The stamp contains some text, but it is mostly illegible due to the signature and the quality of the scan. The signature appears to be a stylized name.

Any re-examination?

None and we apply for the discharge of the PW1.

PW1 discharged as a witness.

Examination in-chief of PW2

PW2: Male, Adult, Muslim and Affirmed.

My name is Jibril Abubakar. I reside at Tsamiya Babba, Gezawa Kano. I am 50 years old and a farmer/rearer.

I know the Defendants in respect of this case. What I know in respect of this case is that the nominal complainant is vested with ownership of the land in issue. As we visited the farmland one particular woman stated to us that they were tired of us visiting the farmland or they will call their husbands to deal with us. Thereafter I advised that we should not enter into the farmland and we left the scene. That is all I know.

Court: Any cross-examination?

DC: Yes.

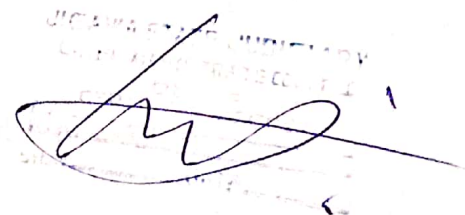
Q: Where do you reside?

Ans: At Tsamiya Babba Gezawa Local Government Kano State.

Q: What is the name of the farmland in question?

Ans: We call it a farm.

Q: Where is it located?

A handwritten signature in black ink is written over a circular stamp. The stamp contains some text, including "JIBRIL ABUBAKAR" and "KANO STATE", but it is mostly obscured by the signature.

You told the court that you know Mai Unguwa Ali Musa is he the only person you know among the Defendants.

Ans: Yes.

Q: You said you were glaring about around the farm, doing what?

Ans: We went to see the farm to know the demarcation since the farmland was given to us and we wanted to cultivate it.

Q: You told the court that you were going round the farm and now you stated that you were there to clear the farmland. Which statement do you want the court to believe?

Ans: I told the court the truth of what I know.

Q: Tell the court who among the Defendants you saw farming the farmland?

Ans: It was the 3rd Defendant.

Q: Are you saying you saw the 3rd Defendant farming in the farmland?

Ans: Yes of course.

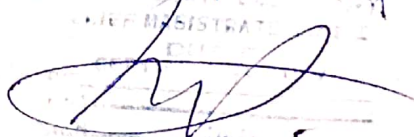
Q: It means you know the 3rd Defendant before you went to clear the farmland?

Ans: Yes, I know him before then.

Q: In other words it is not only the 1st Defendant that you know, you know the other Defendant.

Ans: Yes.

Q: Contrary to what you earlier tell the court?

STATE JUDGE
MAGISTRAT


the 3rd Defendant in respect of this case.

Did you inform the nominal complainant that you saw the 3rd Defendant farming on the farmland?

Ans: Yes, I told him.

Court: Any re-examination?

Pros: None, we apply to discharge the witness.

Court: PW2 discharged as a witness.

Court: Case adjourned to the 10th day of February, 2022 for hearing. Documents asked for to be made available to the defence. Bail granted Defendants to continue.

Signed
Chief Magistrate I
13/01/2022

Resumed Today 10/02/2022

Defendants in court and Speaks Hausa.

Mustapha Musa interpreting.

A.S.P. Umaru Bature prosecuting.

A.B. Umar for the Defendants.

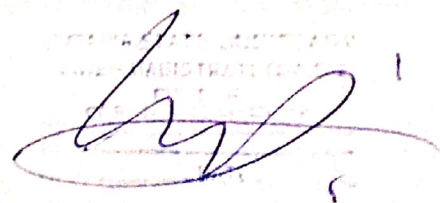
Usman Umar for watching brief.

Pros: This case was slated today for the continuation of hearing. We have one witness before the court. We are ready.

Court: Any objection?

DC: None.

Court: You may proceed.



Male, Adult, Muslim and Affirmed.

My name is Adamu Muhammad. I reside in Kano State. I am 48 years old. I am a businessman. I know the Defendants in this case.

What I know in respect of this case is that there was a court in Babura that refused the ownership of the land in dispute in the complainant. Thereafter the Defendants refused to hands off possession. As I witnessed it with my eyes one of the Defendants called Sabo is residing in the land. There is also one Alhaji Hassan and the (Mai unguwa) 1st Defendant in this case, where they collectively working in some part of the land. That I know the Defendants are still in connection with the land despite the court of Babura decision. That is why I advised the complainant to go to the police and report the matter. That is all I know.

Court: Any cross-examination?

DC: Yes.

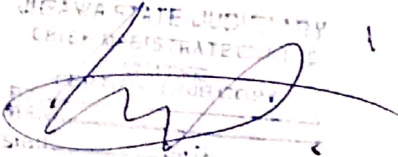
Q: You said you know some of the Defendants?

Ans: Yes, I know Mai Unguwa and Sabo.

Q: In your testimony, you said that you were informed by the complainant that the Defendants are trespassing into the land?

Ans: I did not say that to the court, I only told the court that I advised the complainant to report the matter to the police.

Q: You said you reside in Kano?

KANO STATE JUDICIARY
CHIEF REGISTRAR


Q: That means you are not residing at the village the land in dispute is situated.

Ans: Yes.

Q: Which of the Defendants you see in the farmland?

Ans: I saw the family and house of Sabo in the farmland.

Q: Was the house in existence before the Judgment of the Shariah Court or after the Judgment?

Ans: To my knowledge, it is after the court's judgment that I saw the house.

Q: Do you know this farmland in question at all?

Ans: Yes.

Q: Do you know the farmland before the court's judgment?

Ans: Before, the court's judgment I did not know the farmland, but after judgment I even entered to the farmland.

Q: The house in question, does it belongs to the said Sabo or is it part of the farmland in question?

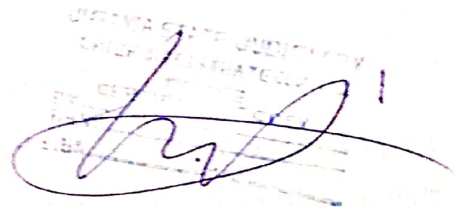
Ans: It is part of the farmland in question.

Court: Any re-examination?

Pros: None.

Court: PW3 discharged as a witness.

OFFICE OF THE JUDGE
CHILD PROTECTION
PEPPER CORNER
1.3.2011



continuation of hearing. Bail granted Defendants to continue.

Signed
Chief Magistrate I
10/02/2022

Resumed Today 22/02/2022

Defendants in court and Speaks Hausa.

Nazifi Umar interpreting.

A.S.P. Umaru Bature prosecuting.

A.B. Umar Esq. with M.S. Dabo for the Defendants.

Usman Umar Gama watching brief counsel.

Pros: This case was slated for continuation of hearing, we have one witness in last adjournment and we are ready to proceed.

Court: Any objection?

DC: None.

Court: You may proceed.

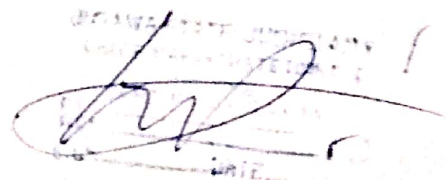
Examination in-chief of PW4

PW4: Male, Adult, Muslim and Affirmed.

My name is Samaila Abubakar Chiroma Isa. I reside at Rafin Jatau Garki Local Government. I am 45 years old and a public servant (Engineer).

I know the Defendants in respect of this court.

The Defendants and I were before a Sharia on a case of inheritance at Babura. It lasted for about four and a half



delivered in the matter and we asked the Defendants to deliver possession and they refused. They stated that it was a false judgment and they will not give up possession. I later went to the DPO Garki and narrated all to him and he invited the Defendants. They stated before the DPO that they did not concede to the judgment and whenever I stepped foot into the land they will deal with me. We were made to sign a bond to keep the peace by the DPO.

Subsequently, during raining season while away at Abuja, I sent money to my relative to cultivate the said land. After sowing seeds on the land the Defendants went and destroyed the plants. I wrote a petition to the Commissioner of Police Jigawa State and the police were directed to arrest the Defendants.

That is why we are here because I am the bona fide owner of the land.

Pros: You made mention of certificate of judgment of the Shariah Court. Where is it?

PW4: It is with me.

Pros: We seek to tender the certificate of judgment in evidence.

Court: Any objection?

DC: No.

Court: Certificate of judgment of the Shariah Court Babura admitted in evidence and marked as exhibit "A".

Pros: That is all.

Yes.

Kindly tell this court why were not in court the date Shariah Court () Babura delivered it's judgment?

Ans:

I was in court.

Q:

Is it the Defendant that were not in court?

Ans:

Their counsel was in court.

Court:

Any re-examination?

Pros:

None and we ask for the discharge of the Defendant.

Court:

PW4 discharge as a witness.

Pros:

We reply for another date for continuation of hearing.

Court:

Case adjourned to 9th day of March, 2022 for continuation of hearing. Bail granted Defendants to continue.

Signed

Chief Magistrate I

22/02/2022

Resumed Today 09/03/2022

Defendants in court and Speaks Hausa.

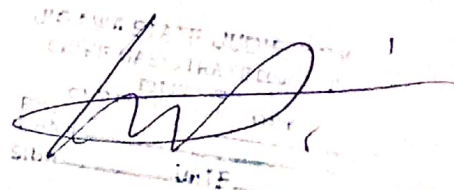
Mustapha Musa interpreting.

A.S.P. Umaru Bature prosecuting.

A.B. Umar for the Defendants.

Pros:

This case was slated today for continuation of hearing. Our witness is on official assignment at Gombe State. We apply for another date for our witness to appear.



We have no objection. We want it to be on record that this is the second time the prosecution is saying that the IPO is on special assignment and we hope this will be the last time so as the case advance.

Court:

Case adjourned to 28th day of March, 2022 for continuation of hearing. Bail granted Defendants to continue.

Signed
Chief Magistrate I
09/03/2022

Resumed Today 28/03/2022

Defendants in court and Speaks Hausa.

Mustapha Musa interpreting.

A.S.P. Umaru Bature prosecuting.

A.B. Umar with M.S. Dabo for the Defendants.

Pros:

This case was slated today for continuation of hearing. We are ready if the court is ready.

Court:

Are you ready?

DC:

Yes.

Court:

You may proceed.

Examination in-chief of PW5

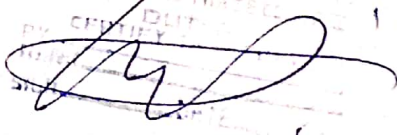
PW5:

Male, Adult, Christian and Affirmed.

My name is Irmiya Abba (Insp). I am 50 years old attached to SCID.

I know the Defendants in this case.

STATE OF NIGERIA
CHIEF MAGISTRATE
MAGISTRATE
1



Did you bother to investigate the farm of the Defendant?

Yes, the scene of crime was visited by late Insp. Ezekiel.

I will be right to say you did not participate in the investigation as it was Mr. Sunday not you that conducted the investigation?

ns:

Everything happened in my presence but the team that went for the inspection but I am aware of what happened.

t:

Since you only participate in some part of the investigation, I will be right to say it was Mr. Sunday who supposed to come and testify.

Ans:

You may be right.

DC:

That is all for the witness.

Court:

Any re-examination?

Pros:

None and I apply for discharge of the witness.

Court:

PW5 discharge as a witness.

Pros:

We close our case and apply for a date ruling.

Court:

Case adjourned to 12th day of April, 2022 for ruling. Bail granted Defendants to continue.

Signed

Chief Magistrate I

28/03/2022

Resumed Today 14/04/2022

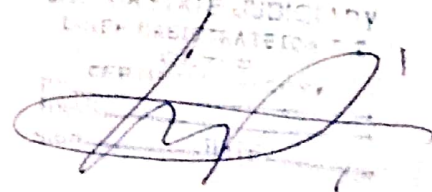
Defendants in court and Speaks Hausa.

Abba Sabo interpreting.

A.S.P. Umaru Bature prosecuting.

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JIGAWA STATE JUDICIARY
CHIEF MAGISTRATE I
OFFICE OF THE CHIEF MAGISTRATE
ZARIA



This case was slated today for ruling.
We are equally ready.

Ruling delivered

RULING

Defendants were brought to court on FIR dated 28th June, 2021 on charges of Criminal Conspiracy, Criminal Trespass, Criminal Intimidation, Harassment and Inciting Disturbance contrary to Sections 96, 342, 396, 320 and 147 of the Penal Code.

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When the FIR was read and explained to the Defendants they denied the contents of the FIR. The prosecution called a number of five witnesses and tendered one Exhibit before the court in support of their case. The statements of the Defendants were not tendered. The prosecution closed their case and the court adjourned for ruling.

Based on the evidence as adduced by the prosecution in proof of their case, the prosecution are duty bound to produce to the court all statements made by the accused person while in custody at the police station. This is in line with the Supreme Court decision in *OGUDO V. STATE (2011)18 NWLR*. The court further held that failure of the prosecution to tender the statement of the Defendants in court will make the court to invoke the presumptions of withholding evidence which if produce will be unfavourable to the prosecution.

In the instant case, since the prosecution did not tender the statements of the Defendants before the court and therefore fatal to the prosecution case as was held in *OGUDO V. STATE (supra)*.

For reasons stated above, the court pursuant to Section 305 of the ACJL discharges the Defendants for want of evidence.

Signed
Chief Magistrate I
12/04/2022

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JUDICIAL OFFICE
MAGISTRATE I
KADUNA STATE

ABBA SANO
REG. PROCESS

28/2/23