

IN THE COURT OF APPEAL OF NIGERIA
IN THE JOS JUDICIAL DIVISION
HOLDEN AT JOS

APPEAL NO.

SUIT NO: FHC/BAU/54C/2010

BETWEEN

FEDERAL REPUBLIC OF
NIGERIA.....APPELLANT

AND

1. FIRST CITY MONUMENT BANK PLC
2. SANI ADAMU
3. MUSA ADAMU UMAR
4. USMAN IBRAHIM.....RESPONDENTS

NOTICE AND GROUNDS OF APPEAL

TAKE NOTICE that the appellant being dissatisfied with the decision of the Federal High Court of Justice, Bauchi State contained in the Judgment of Honourable Justice M. T SALIHU in suit no. FHC/BAU/54/2010 delivered on 18th April, 2016 hereby appeal to the Court of Appeal upon the grounds set out in paragraph 3 hereof and will at the hearing seek the reliefs set out in paragraph 4.

AND FURTHER TAKE NOTICE that the names and addresses of those affected by this appeal are as set out in paragraph 5 hereof.

2. THE DECISION OF THE LOWER COURT COMPLAINED OF

The whole Decision of the trial court delivered on 18th April, 2016.

3. GROUNDS OF APPEAL

GROUND ONE

THE LEARNED TRIAL JUDGE ERRED IN LAW WHEN HE DISCHARGED AND ACQUITTED THE DEFENDANTS AGAINST THE WEIGHT OF EVIDENCE ADDUCED AT THE TRIAL

PARTICULARS OF ERROR

- i. The trial Judge erred in law when he discharged and acquitted the defendants by assuming that the complainant withdrew the charge when in actual sense, both the parties agreed to compound the alleged offence.
- ii. The trial judge erred in law when he held as follows "**it is my humble opinion complainant having agreed to invoke the provision of Section 48 of the Federal Inland Revenue Service Act at the stage which this case cannot be isolated from the provision of section 284 of the Criminal Procedure Act**".

4. RELIEFS SOUGHT

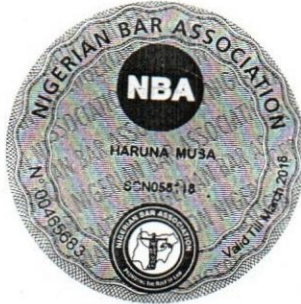
- i. To allow the appeal.
- ii. To set aside the discharge and acquittal of the accused persons.

1. NAMES AND ADDRESSES OF THOSE AFFECTED BY THE APPEAL:

Appellant:

1. **Federal Inland Revenue Service. No 1 Nnamdi Azikwe Road, GRA off Jos Road, Bauchi.**
2. **Respondent(s):**
 - i. **First City Monument Bank Plc, Wunti Street Bauchi Branch.**
 - ii. **Sani Adamu Bauchi Town.**
 - iii. **Musa Adamu Umar Bauchi Town.**
 - iv. **Usman Ibrahim Bauchi Town.**

Dated this.....27th.....Day ofMARCH.....2018




Haruna Musa
A. Mohammed
S. B NUHU
Federal Inland Revenue Service

State Co-ordination office
NO.1 Nnamdi Azikiwe Road
off Old Jos Road,
Bauchi.

FOR SERVICE ON RESPONDENTS:

**1. First City Monument Bank Plc,
Wunti Street Bauchi Branch.**

2. Sani Adamu,
Bauchi Town.

3. Musa Adamu Umar,
Bauchi Town.

4. Usman Ibrahim,
Bauchi Town.


29/3/2018

FEDERAL HIGH COURT
BAUCHI

IN THE COURT OF APPEAL
JOS JUDICIAL DIVISION
HOLDEN AT JOS

APPEAL NO: CA/J/332/M/2017
SUIT NO: FHC/BAU/54C/2010

THIS IS AN APPLICATION DATED 28/9/2017 AND
FILED ON 28/09/2017.

1. **AN ORDER** of this Honourable Court seeking for enlargement of time to seek leave to appeal against the judgment of the Federal High Court Bauchi delivered on the 18th April, 2016 in the suit No. FHC/BAU/54C/2010 between the FEDERAL REPUBLIC OF NIGERIA V. FCMB and 3 OTHERS.
2. **AN ORDER** of this Honourable Court seeking for leave to appeal against the ruling of the Federal High Court Bauchi delivered on 18th April, 2016 in suit No. FHC/BAU/54C/2010 between the FEDERAL REPUBLIC OF NIGERIA V. FCMB and 3 OTHERS.
3. **AN ORDER** of this Honourable Court seeking for extension of time within which to appeal in the suit.
4. **AN ORDER** deeming the notice of appeal already filed and served as having been duly filed and served.

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....APPELLANT/
APPLICANT

AND

- | | |
|---|-------------------------------|
| <ol style="list-style-type: none">1. FIRST CITY MONUMENT BANK PLC2. SANI ADAMU3. MUSA ADAMU UMAR4. USMAN IBRAHIM | } RESPONDENTS/
RESPONDENTS |
|---|-------------------------------|


ON THURSDAY THE 22ND DAY OF MARCH, 2018

UPON READING THE MOTION PAPER, the sworn affidavit of A. A. Alhashim filed on 28/9/2017, 1st Respondent's Counter Affidavit, Further Affidavit and the respective Written Addresses filed herein on behalf of the parties.

AND AFTER HEARING A. Muhammed Esquire with A.A. Alhashim Esquire, learned Counsel for the Applicant, Olawole Olatunji Esquire, learned Counsel for the 1st Respondent and S.F. Dashe Esquire, learned Counsel for the 2nd to 4th Respondents.

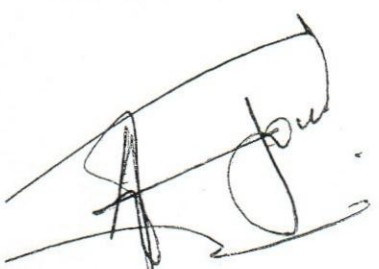
IT IS HEREBY ORDERED:

1. That the application for trinity prayer is granted in terms of prayers 1 to 3.
2. That leave is granted for the Applicant to seek leave to appeal against the judgment of the Federal High Court Bauchi delivered on the 18th April, 2016 in Suit No.


Alh. Ibrahim Garba
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29 MAR 2018
COURT OF APPEAL, JOS





ADAMU JAURO
(JUSTICE, COURT OF APPEAL)

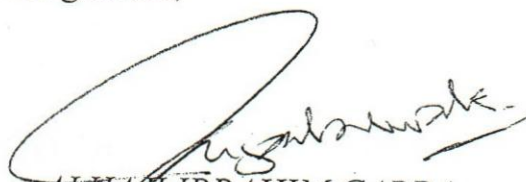
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3. Leave is granted for the Applicant to appeal the ruling of the Federal High Court, Bauchi delivered on 8th April, 2016 in Suit No. FHC/BAU/54C/2010 between the FEDERAL REPUBLIC OF NIGERIA V. FCMB and 3 OTHERS.

4. That time is hereby extended for the Applicant to appeal.

That the Applicant is given 14 days to file the Notice of Appeal.

5. That prayer 4 on the face of the motion paper is accordingly not granted,



ALHAJI IBRAHIM GARBA
FOR: DEPUTY CHIEF REGISTRAR.



ALH. Ibrahim Garba
HOD LITIGATION
CERTIFIED TRUE COPY

29 MAR 2018

COURT OF APPEAL JOS

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