

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE GUSAU JUDICIAL DIVISION
HOLDEN AT GUSAU
ON WEDNESDAY 31ST DAY OF MAY, 2023
BEFORE THE HONOURABLE JUSTICE A.B. ALIYU
JUDGE

SUIT NO. FHC/GS/CS/30/2021

BETWEEN:

1. THE GOVERNMENT OF ZAMFARA STATE
2. ATTORNEY GENERAL OF ZAMFARA STATE

PLANTIFFS

AND


1. THE ECONOMIC AND FINANCIAL CRIMES
COMMISSION (EFCC)
2. ATTORNEY GENERAL OF THE FEDERATION


DEFENDANTS/
RESPONDENTS

JUDGMENT ORDER

UPON THIS Writ of Summons dated and filed on the 16/11/2021, seeking for the following Orders:

1. A Declaration that having regard to the provisions of Section 120, 121, 122, 123, 124, 128 and 129 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, and upon a calm and proper interpretation of the said provisions thereof, the 1st Defendant or any authority, person, body or organization other than the House of Assembly of Zamfara State does not have the Constitutional Authority to exercise Powers and Control Over Public Funds of Zamfara State.
2. A Declaration that upon a calm and proper interpretation of the provisions of Section 128 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the 1st Respondent or any other authority, person, body or organization, other than the House of Assembly of Zamfara


HON. JUSTICE AMINU B. ALIYU
PRESIDING JUDGE


AM. TURAKI, S.E.O. (LIT)
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State does not have the constitutional authority or power to conduct investigation, direct or cause to be directed, any inquiry or investigation into the disbursing or administering of money appropriated or to be appropriated by the House of Assembly of Zamfara State under any law or appropriation bill, no matter whether or not the purpose for the investigation is to expose corruption, inefficiency, waste of public funds.

3. A Declaration that having regard to the provisions of Section 120, 121, 122, 123, 124, 128 and 129 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the 1st Defendant does not have the powers to invite (by letters, telephone calls or any other means of communication) serving and past officials of the 1st Plaintiff for the purpose of explaining how funds meant for security votes, estacodes and travelling allowances were utilized, or are being utilized, when such funds are such that the Auditor General and the Zamfara State House of Assembly have the constitutional authority to conduct investigation and exercise powers and control over same.
4. A Declaration that upon a calm and proper interpretation of the provisions of Section 125 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the power to receive financial statement and annual accounts of Zamfara State from the Accountant General of Zamfara State is not vested in the 1st Defendant or any other authority, person, body or organization other than in the Auditor General for Zamfara State.
5. A Declaration that upon a proper interpretation of the provisions of Section 125 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the power to audit



HON. JUSTICE AMINU BAPPA ALIYU
PRESIDING JUDGE

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DATE: 11/01/2021

the public accounts of Zamfara State is not vested in the 1st Defendant or any other authority, person, body or organization other than in the Auditor General of Zamfara State.

6. A Declaration that upon a calm and proper interpretation of the provisions of Section 125 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the Auditor General or any person authorized by him, cannot be subjected to any direction or control of the 1st and 2nd Defendants or any authority, person, body or organization.
7. A Declaration that by the combined effect of the provisions of Section 125(2), (5), and (6) 128 & 129 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the 1st Defendant does not have the powers to direct past and present officials of the 1st Plaintiff for the purposes of superintending over them, or exposing any waste, in the management of the Plaintiffs consolidated funds and its general finances.
8. An Order of Injunction restraining the 1st Defendant by itself, agent, servant, detectives, employees, staff, operatives and privies from inviting, or further inviting, arresting and or detaining past or present officials of the 1st Plaintiff with respect to how funds meant for security votes, estacodes and travelling allowances were expended by the 1st Plaintiff except through the House of Assembly of Zamfara State and in strict compliance with provisions of the Constitution of the Federal of Republic of Nigeria, 1999, as amended.
9. And Order of Injunction restraining the 1st Defendant whether by itself, its agents, employees, servants, operatives, detectives, privies, investigating officer(s), and



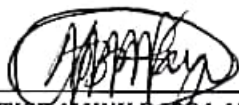
HON. JUSTICE AMINU BAPPA ALIYU
PRESIDING JUDGE

other person by whatever name called, from inviting, or further inviting, intimidating, harassing and threatening to arrest or detain, or from arresting or detaining any past or present official of the 1st Plaintiff on the basis of the same facts or similar facts as herein stated.


10. An Order setting aside the 1st Defendant's letter of invitation to the past and serving officials of the Plaintiff dated 28th September, 2021, or any other date, same being *ultra vires* the powers of the 1st Defendant, and therefore, null and void and of no effect whatsoever.
11. And for such further or other Orders as this Honourable Court may deem fit to make in the circumstances of this case.

AND UPON listening to the submission of the Plaintiffs Counsel Abdulfathu Shehu Esq., and Adebisi Adeniyi Esq with P.A. Attah Esq for the 1st Defendant, also Counsel to the 2nd Defendant and having gone through of their processes, I accordingly make the following Orders:

THE COURT having given its Judgment this 31st day of May, 2023.



HON. JUSTICE AMINU BAPPA ALIYU
PRESIDING JUDGE




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DATE: 1/6/2023

other person by whatever name called, from inviting, or further inviting, intimidating, harassing and threatening to arrest or detain, or from arresting or detaining any past or present official of the 1st Plaintiff on the basis of the same facts or similar facts as herein stated.

10. An Order setting aside the 1st Defendant's letter of invitation to the past and serving officials of the Plaintiff dated 28th September, 2021, or any other date, same being *ultra vires* the powers of the 1st Defendant, and therefore, null and void and of no effect whatsoever.
11. And for such further or other Orders as this Honourable Court may deem fit to make in the circumstances of this case.

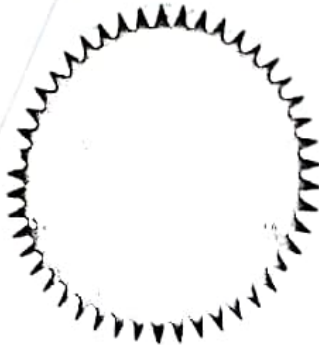
AND UPON listening to the submission of the Plaintiffs Counsel Abdulfathu Shehu Esq., and Adebisi Adeniyi Esq with P.A. Attah Esq for the 1st Defendant, also Counsel to the 2nd Defendant and having gone through of their processes, I accordingly make the following Orders:

THE COURT having given its Judgment this 31st day of May, 2023.



HON. JUSTICE AMINU BAPPA ALIYU
PRESIDING JUDGE

AM. TURAKI S.E.O (LIT)
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FEDERAL HIGH COURT
DATE 1/6/2023



HON. JUSTICE AMINU BAPPA ALIYU
PRESIDING JUDGE


IT IS HEREBY ORDERED AS FOLLOWS:-

1. A Declaration is made that having regard to the provisions of Section 120, 121, 122, 123, 124, 128 and 129 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, and upon a calm and proper interpretation of the said provisions thereof, the 1st Defendant or any authority, person, body or organization other than the House of Assembly of Zamfara State does not have the Constitutional Authority to exercise Powers and Control Over Public Funds of Zamfara State.
2. A Declaration is made that upon a calm and proper interpretation of the provisions of Section 128 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the 1st Respondent or any other authority, person, body or organization, other than the House of Assembly of Zamfara State does not have the constitutional authority or power to conduct investigation, direct or cause to be directed, any inquiry or investigation into the disbursing or administering of money appropriated or to be appropriated by the House of Assembly of Zamfara State under any law or appropriation bill, no matter whether or not the purpose for the investigation is to expose corruption, inefficiency, waste of public funds.
3. A Declaration is made that having regard to the provisions of Section 120, 121, 122, 123, 124, 128 and 129 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the 1st Defendant does not have the powers to

MR. TURAKI S.E.O (LIT)
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DATE: 11/07/2021

invite (by letters, telephone calls or any other means of communication) serving and past officials of the 1st Plaintiff for the purpose of explaining how funds meant for security votes, estacodes and travelling allowances were utilized, or are being utilized, when such funds are such that the Auditor General and the Zamfara State House of Assembly have the constitutional authority to conduct investigation and exercise powers and control over same.


4. A Declaration is made that upon a calm and proper interpretation of the provisions of Section 125 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the power to receive financial statement and annual accounts of Zamfara State from the Accountant General of Zamfara State is not vested in the 1st Defendant or any other authority, person, body or organization other than in the Auditor General for Zamfara State.
5. A Declaration is made that upon a proper interpretation of the provisions of Section 125 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the power to audit the public accounts of Zamfara State is not vested in the 1st Defendant or any other authority, person, body or organization other than in the Auditor General of Zamfara State.
6. A Declaration is made that upon a calm and proper interpretation of the provisions of Section 125 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the Auditor General or any person authorized by him, cannot be subjected to any direction or control of the 1st and 2nd Defendants or any authority, person, body or organization.

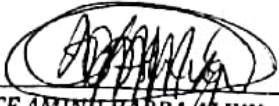

HON. JUSTICE AMINU B. ALIYU
PRESIDING JUDGE

7. A Declaration is made that by the combined effect of the provisions of Section 125(2), (5), and (6) 128 & 129 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, the 1st Defendant does not have the powers to direct past and present officials of the 1st Plaintiff for the purposes of superintending over them, or exposing any waste, in the management of the Plaintiffs consolidated funds and its general finances.

8. An Order of Injunction is made restraining the 1st Defendant by itself, agent, servant, detectives, employees, staff, operatives and privies from inviting, or further inviting, arresting and or detaining past or present officials of the 1st Plaintiff with respect to how funds meant for security votes, estacodes and travelling allowances were expended by the 1st Plaintiff except through the House of Assembly of Zamfara State and in strict compliance with provisions of the Constitution of the Federal of Republic of Nigeria, 1999, as amended.

9. And Order of Injunction is made restraining the 1st Defendant whether by itself, its agents, employees, servants, operatives, detectives, privies, investigating officer(s), and other person by whatever name called, from inviting, or further inviting, intimidating, harassing and threatening to arrest or detain, or from arresting or detaining any past or present official of the 1st Plaintiff on the basis of the same facts or similar facts as herein stated.

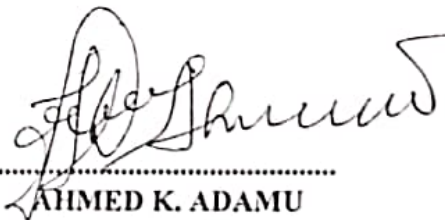

HON. JUSTICE AMINU BAPPA ALIYU
PRESIDING JUDGE



HON. JUSTICE AMINU BAPPA ALIYU
PRESIDING JUDGE

10. An Order is made setting aside the 1st Defendant's letter of invitation to the past and serving officials of the Plaintiff dated 28th September, 2021, or any other date, same being *ultra vires* the powers of the 1st Defendant, and therefore, null and void and of no effect whatsoever.

ISSUED AT GUSAU UNDER THE SEAL OF THE COURT AND HAND OF THE PRESIDING JUDGE

DATED THIS 31st DAY OF May, 2023.


AHMED K. ADAMU
Court Registrar


AM. TURAKI S.E.O (LIT)
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FEDERAL HIGH COURT.
DATE 16/05/23