

**IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT ABUJA**

**SUIT NO.: FHC/ABJ/CS/1867/2025**

**MOTION NO.:**

**BETWEEN:**

FEDERAL REPUBLIC OF NIGERIA ..... APPLICANT/RESPONDENT

AND

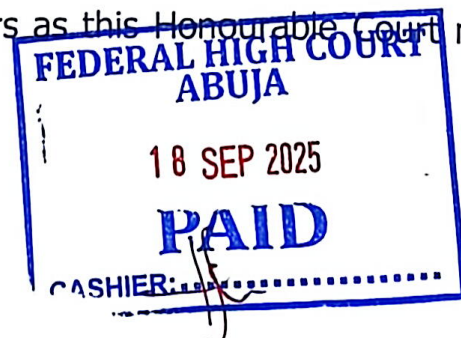
HON. DR. ADAMU ALIYU (M) ..... RESPONDENT/APPLICANT

**MOTION ON NOTICE**

PURSUANT TO SECTIONS 35(1) AND 36(1) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) AND UNDER THE INHERENT POWERS OF THE COURT.

**TAKE NOTICE** that this Honourable Court will be moved on the.....day of ....., 2025, at the hour of 9.0'clock in the forenoon or soon thereafter as Counsel on behalf of Applicant will be heard praying the Honourable Court for the following Orders:

- 1) **AN ORDER** vacating/setting aside the Order of Court made on 12<sup>th</sup> September, 2025, in Suit No.: **FHC/ABJ/CS/1867/2025**; allowing the Applicant/Respondent (the Independent Corrupt Practices and Other Related Offences Commission, ICPC) to declare the Respondent/Applicant (Hon. Dr. Adamu Aliyu) wanted in any newspaper, social media platforms and other mediums.
- 2) **AN ORDER** vacating/setting aside the Order issuing a bench/arrest warrant made on 12<sup>th</sup> September, 2025, in Suit No.: **FHC/ABJ/CS/1867/2025**, directing operatives of the Independent Corrupt Practices and other Related Offences Commission/other law enforcement agents, including private persons to identify and arrest the Respondent/Applicant (Hon. Dr. Adamu Aliyu) and hand him over to the Applicant/Respondent.
- 3) **AND** for such further Order or Orders as this Honourable Court may deem fit to make in the circumstances.



## **GROUNDINGS OF THE APPLICATION**

- 1) Pursuant to a Motion Exparte dated and filed on 9<sup>th</sup> September, 2025, by the Respondent/Applicant, this Honourable Court made orders directing the Applicant/Respondent (ICPC) to declare the Respondent/Applicant wanted and issued a bench/arrest warrant against the Respondent/Applicant.
- 2) At about 9pm on 12<sup>th</sup> September, 2025, the Respondent/Applicant became aware of a publication on social media platforms and online news outlets (Premium times) stating that the Independent Corrupt Practices and Other Related Offences (ICPC) had been directed by this Honourable Court to declare the Respondent/Applicant wanted and that a bench warrant had been issued for the Respondent/Applicant's arrest.
- 3) Upon being aware of the said publication and bench warrant through the social media (Premium times), the Respondent/Applicant being a lawmaker and responsible citizen, voluntarily presented himself at the Applicant/Respondent's Office.
- 4) The Applicant had before the Motion Exparte was filed and the Order of Court was made on 12<sup>th</sup> September, 2025, had already written to the Applicant/Respondent explaining the circumstances of the case, particularly that the Respondent/Applicant only received the sum of **N43,875,000:00 (Forty Three Million, Eight Hundred and Seventy-Five Thousand Naira)** and had refunded the sum of **N45,000,000:00 (Forty Five Million Naira)**, which is in excess of the alleged sums, which are material facts not disclosed to this Honourable Court.
- 5) The Respondent/Applicant was not personally served with any summons/charge, before the Applicant/Respondent approached this Honourable Court to declare him wanted.
- 6) The Order directing the Respondent/Applicant be declared wanted and the issuance of a bench warrant was oppressive, overreaching and unnecessary in the circumstances.
- 7) The Applicant has shown good faith by submitting himself to the Respondent's authority and poses no flight risk being a sitting Member of the Plateau State House of Assembly representing Jos North-North Constituency and has been attending legislative duties in the interest of his Constituency and Plateau State.
- 8) Unless the Orders of Court are vacated/set aside, the Respondent/Applicant who is a public figure would be exposed to actual physical harm by over-zealous

members of the public who may claim to be acting on the Orders of this Honourable Court.

- 9) The Respondent/Applicant's Application discloses special circumstances upon which this Honourable Court can grant this Application.
- 10) It is in the interest of justice and fair hearing to grant this application.

**DATED THIS 18<sup>TH</sup> DAY OF SEPTEMBER, 2025.**



✓ **M.B. Abdullahi Esq.**  
M.M. Auwal Esq.  
Munir Barau Abdullahi & Co  
Respondent/Applicant's Counsel  
No. 10c Adjacent Total Filing Station Bauchi  
Road Jos, in Jos North Local Government Area,  
Plateau State.  
Phone: 08037021148  
E-mail: Munribarauabdullahi4@gmail.com  
ADDRESS FOR SERVICE WITHIN  
JURISDICTION:  
C/o A.J. SIRMONDS & ASSOCIATES  
No. 1 Kandi Close, Wuse 2  
Abuja.  
08036208668

**FOR SERVICE ON:**

The Applicant  
C/o Head, High Profile Prosecution Department  
Plot 802 Constitutional Avenue  
Central Business District  
Abuja  
08034958709

**IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT ABUJA**



**SUIT NO.: FHC/ABJ/CS/1867/2025**

**MOTION NO.:**

**BETWEEN:**

FEDERAL REPUBLIC OF NIGERIA ..... APPLICANT/RESPONDENT

AND

HON. DR. ADAMU ALIYU (M) ..... RESPONDENT/APPLICANT

**AFFIDAVIT IN SUPPORT OF MOTION**

I, MUSTAPHA IBRAHIM BAKO, Male, Moslem, Nigerian Citizen, of NO.17 Garinpa, Abuja, do hereby make Oath and state as follows:

1. That I am a brother to the Respondent/Applicant herein, by virtue of which position I am conversant with the facts herein deposed.
2. That I have the consent and authority of the Respondent/Applicant to depose to this Affidavit.
3. That the facts to which I depose in this Affidavit are derived partly from my personal knowledge and partly from the instructions and information received from the Respondent/Applicant at about 9pm on 17<sup>th</sup> September, 2025, together with the accompanying documents to which reference is made in the body of this Affidavit. Where the facts are within my personal knowledge, they are true; where the facts are not within my personal knowledge, I verily believe them to be true as follows:
  - a. That the Respondent/Applicant is a sitting Member of the House of Assembly of Plateau State representing Jos North-North Constituency and a very well-known public figure in Plateau State.
  - b. That at about 9pm on 12<sup>th</sup> September, 2025, the Respondent/Applicant became aware of a publication on social media platforms and online news outlets (Premium times) stating that the Independent Corrupt Practices and Other Related Offences (ICPC) had been directed by this Honourable Court to declare the Respondent/Applicant wanted and that a bench warrant had been issued for the Respondent/Applicant's arrest. **A copy of the said publication is hereby annexed and marked as EXHIBIT A.**

- c. That the Respondent/Applicant was utterly shocked and dismayed by this publication, as he was not aware of any formal charge or pending criminal proceedings against him before this Honourable Court, prior to seeing this publication.
- d. That pursuant to a Motion Exparte dated and filed on 9<sup>th</sup> September, 2025, by the Applicant/Respondent, this Honourable Court made orders directing the Applicant/Respondent (ICPC) to declare the Respondent/Applicant wanted and issued a bench/arrest warrant against the Respondent/Applicant.
- e. That upon becoming aware of the said Order of Court made on 12<sup>th</sup> September, 2025, in this matter, the Respondent/Applicant as a law abiding and responsible citizen, and a law maker who believes in the rule of law, immediately and voluntarily presented himself at the Office of the ICPC in Abuja, on the 15<sup>th</sup> September, 2025, where the Respondent/Applicant was interviewed and the Respondent/Applicant cooperated fully with the Officers of the ICPC.
- f. That the allegations against the Respondent/Applicant pertain to a financial transaction involving a sum of money, which the Respondent/Applicant is accused of receiving, however no charge or complaint has been formally filed and served on the Respondent/Applicant.
- g. That before the Motion Exparte was filed by the Applicant/Respondent and the Order of Court was made on 12<sup>th</sup> September, 2025, the Respondent/Applicant had already written to the Applicant/Respondent explaining the circumstances of the case, particularly that he only received the sum of **N43,875,000:00 (Forty Three Million, Eight Hundred and Seventy-Five Thousand Naira)** and had refunded the sum of **N45,000,000:00 (Forty Five Million Naira)**, which is in excess of the alleged sums. **Copies of the Bank Transaction Receipts are attached and marked as EXHIBITS B, C, D and E, respectively.**
- h. That the Respondent/Applicant verily believe that this crucial and material fact of full restitution was not placed before this Honourable Court at the time the Exparte Application for Bench/Arrest Warrant and declaring the Respondent/Applicant wanted was moved, had this fact been disclosed, it would have significantly influenced the exercise of the Court's discretion.
- i. That the Respondent/Applicant was neither personally served with any summons/charge, before the Applicant/Respondent approached this

Honourable Court to declare the Respondent/Applicant wanted and issued a bench warrant for his arrest.

- j. That prior to the institution of this proceedings, the Respondent/Applicant had received an invitation letter from the ICPC *via* a Letter sent to the Clerk of the House of Assembly of Plateau State while the Respondent was in Saudi Arabia, and upon receipt of that letter, the Respondent/Applicant engaged with the Commission through his Lawyer.
- k. Specifically, on 8<sup>th</sup> September, 2025, the Respondent/Applicant wrote a detailed letter dated 8<sup>th</sup> September, 2025, through his Counsel, Adams & Co Firstlog Chambers to the ICPC through its Chairman, explaining the facts of the case and informing the Commission that he had already made a full refund of the sum of **N43,875,000:00 (Forty Three Million, Eight Hundred and Seventy-Five Thousand Naira)** received by the Respondent/Applicant and had refunded the sum of **N45,000,000:00 (Forty Five Million Naira)**, which is in excess of the alleged sums. **Copy of the Counsel's Letter, Adams & Co Firstlog Chambers received by the ICPC on 8<sup>th</sup> September, 2025, is attached hereto and marked as EHXBIT F.**
- l. That contrary to the assertions of the Applicant/Respondent, **Exhibit F**, demonstrates that the Respondent/Applicant was not evading the authorities but was in fact in communication with the ICPC and willing to clarify the situation.
- m. That I verily believe that the complainant and the Applicant/Respondent did not bring the fact of the Respondent/Applicant's communication with the ICPC to the attention of the Court, thereby suppressing material evidence and information that is relevant to this case.
- n. That the grant of an Order to declare the Respondent/Applicant wanted, and the issuance of a bench warrant in this circumstance is drastic, prejudicial and constitutes a gross overreach which has caused the Respondent/Applicant immense reputational embarrassment, personal distress, portraying him as a fugitive when he was actively engaging with the ICPC.
- o. That despite the Respondent/Applicant's voluntary presentation to the ICPC on 15<sup>th</sup> September, 2025, the ICPC detained the Respondent/Applicant in its custody and had now released him on Administrative Bail after their investigation.

4. That it is in the overall interest of justice that the said exparte order be set aside, as the circumstances that warranted its issuance have been overtaken by events.
5. The Respondent/Applicant has shown good faith by submitting himself to the Applicant/Respondent's authority and poses no flight risk being a sitting Member of the Plateau State House of Assembly representing Jos North-North Constituency and who has been attending sitting for the interest of his constituency and Plateau State
6. That unless the Orders of this Honourable Court are vacated/set aside, the Respondent/Applicant who is a public figure would be exposed to actual physical harm by over-zealous members of the public who may claim to be acting on the Orders of this Honourable Court.
7. That this Honourable Court is empowered to grant the reliefs sought in this Application.
8. That it is in the overall interest of justice and fair hearing to grant this application.
9. That I solemnly depose to this affidavit conscientiously in good faith believing its contents to be true and correct to the best of my knowledge and in accordance with the Oaths Act.

*IBRS.*  
*IBRD Jos*

**DEPONENT**

Sworn to at the Federal High Court Registry, Abuja,

This..... day of....., 2025.

**BEFORE ME**  
**COMMISSIONER FOR OATHS**  
**FEDERAL HIGH COURT**  
**ABUJA**

**COMMISSIONER FOR OATHS.**

Minister Phones

1 minute ago

14:24

Signal strength, battery icons

PREMIUM Times



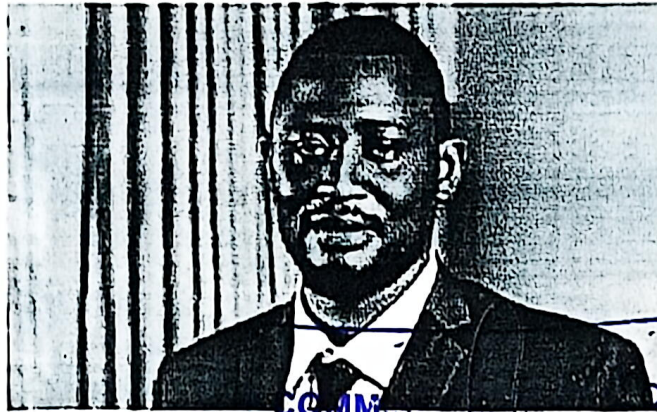
FirstBank wins appeal in landmark case against General Hydrocarbons

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COMMISSIONER GENERAL OF DAT

FEDERAL HIGH COURT

ABUJA

EXCLUSIVE: Court declares lawmaker wanted over fraud contract

ICPC investigators alleged that

the lawmaker repeatedly

denied allegations to respond or refute the allegations

Alhamdulillah This is through because of you

Just the beginning Adamu Aliyu in shaa Allah The agony we are passing

Allah will make you suffer tenfold

FX4120 "B"

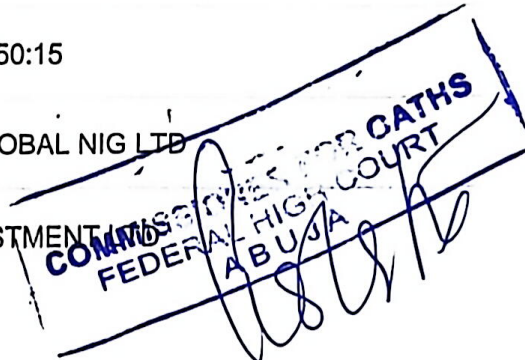


more than banking

## Transaction Receipt

Generated from AccessMore on 01/02/24 00:50:12

Transaction Amount	N20,000,000
Transaction Type	INTER-BANK
Transaction Date	2024-02-01 00:50:15
Sender	A.A. AND H GLOBAL NIG LTD
Beneficiary	MOHIBA INVESTMENT 1013182758 Zenith Bank
Remark	Refund
Transaction Reference	NXG000014240201004944227289440525
Session Id	000014240201004944227289440525
Transaction Status	Transfer Request Successful



If you have any questions or would like more information, please call our 24-hour Contact Centre on [0700CallAccess, 0700 3000000](tel:07003000000), [+234 1-2712005-7](tel:+234127120057), [+234 1-2802500](tel:+23412802500) or send an email to [contactcenter@accessbankplc.com](mailto:contactcenter@accessbankplc.com)  
Thank you for choosing Access Bank.

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EXHIBIT "C"



more than banking

## Transaction Receipt

Generated from AccessMore on 10/02/24 13:40:47

Transaction Amount N10,000,000

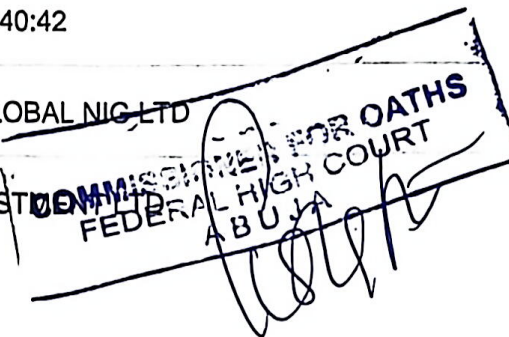
Transaction Type INTER-BANK

Transaction Date 2024-02-10 13:40:42

Sender A.A. AND H GLOBAL NIG LTD

Beneficiary MOHIBA INVESTMENT LTD  
1013182758

Zenith Bank



Remark

Transaction Reference NXG000014240210133933269303178290

Session Id 000014240210133933269303178290

Transaction Status Transfer Request Successful

If you have any questions or would like more information, please call our 24-hour Contact Centre on [0700CallAccess, 0700 3000000](tel:07003000000), [+234 1-2712005-7](tel:+234127120057), [+234 1-2802500](tel:+23412802500) or send an email to [contactcenter@accessbankplc.com](mailto:contactcenter@accessbankplc.com)  
Thank you for choosing Access Bank.

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EXHIBIT "D"



more than banking

## Transaction Receipt

Generated from AccessMore on 13/03/24 10:36:31

Transaction Amount	N10,000,000
Transaction Type	INTER-BANK
Transaction Date	2024-03-13 10:36:23
Sender	A.A. AND H GLOBAL NIG LTD
	MOHIBA INVESTMENT LTD
Beneficiary	1013182758
	Zenith Bank
Remark	
Transaction Reference	NXG000014240313103610238333146904
Session Id	000014240313103610238333146904
Transaction Status	Transfer Request Successful



If you have any questions or would like more information, please call our 24-hour Contact Centre on [0700CallAccess, 0700 3000000](tel:07003000000), [+234 1-2712006-7](tel:+234127120067), [+234 1-2802600](tel:+23412802600) or send an email to [contactcenter@accessbankplc.com](mailto:contactcenter@accessbankplc.com)  
Thank you for choosing Access Bank.

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Ẹmībū "F"

## Receipt

28 Jun 2024 14:07, GMT+1



# # 5,000,000.00

Five Million Naira Zero Kobo

Success

Sender

**Aliyu Adamu**

Receiver

**Mohiba Investment Ltd**

Account number

**1013182758**

Receiving bank

**Zenith Bank**

Reference number

**000013240628140723000170171258**

Remark

**NIBSS Instant Payment Outward 000013240628140723000170171258 Refund To Zenith Bank/Mohiba Investment Ltd**



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Your transfer has been successful and the beneficiary's account will be credited. However, this does not serve as confirmation of credit into the beneficiary's account. Due to the nature of the internet, transactions may be subject to interruption, transmission blackout, delayed transmission and incorrect data transmission. The Bank is not liable for malfunctions in communications facilities not within its control that may affect the accuracy or timeliness of messages and transactions you send. All transactions are subject to verification and our normal fraud checks.



EXHIBIT "F"

PC 376/4715  
**ADAMS & CO. FIRSTLOG  
CHAMBERS**

AFLC/ICPC/SSD/106.9/25

Sept, 8<sup>th</sup> 2025

The Honourable Chairman,  
Independent Corrupt Practices and Other  
Related Offences Commission,  
Plot 802, Central Area,  
Abuja.

INDEPENDENT CORRUPT PRACTICE &  
OTHER RELATED OFFENCES COMMISSION  
**RECEIVED**  
Sign: \_\_\_\_\_  
Date: 08-09-2025  
OFFICE OF THE CHIEF JUSTICE  
CHAIRMAN

**ATTENTION:**

Mr. Stephen Pitlor,  
Head, Special Duties Division

**COMMISSIONER FOR OATHS  
FEDERAL HIGH COURT  
ABUJA**

Dear Sir,

RE: INVESTIGATION ACTIVITIES

We are Solicitors and legal representatives of Hon. Adamu Aliyu of Plateau State House of Assembly herein referred to as our CLIENT/Respondent and on whose behalf we hereby write you this request.

Sequel to your letter reference no. ICPC/SDD/TE/434/2025, dated 16<sup>th</sup> February, 2025 with above captioned requesting for the physical appearance of our client to your office in Abuja at 10.00am of February, 27<sup>th</sup> 2025.

2. The subject matter of investigation and subsequent invitation of our client to your office stem out from a civil transaction of Consultancy Services/Facilitation of contract award from Tertiary Education Trust Fund (TETFUND) and University of Jos, involving Mohibba Investment Ltd (the petitioners) of one part and the duos of one Hon. Lawal Abubakar (The consultant/facilitator) and Hon. Adamu Aliyu (our client/Respondent) of the other part.
3. WHEREAS the parties sometimes in June 2023 or thereabout, one Hon. Lawal Abubakar of the National Assembly, Abuja uses his expertise, influence and contacts both at the National Assembly Abuja and TETFUND office in facilitation and securing of the award of a contract from the Tertiary Education Trust Fund (TETFUND) under the 2023

No. 16, Konoko Crescent,  
Off Ademola Adetokumbo Crescent  
Opp. AP Plaza, Wuse - II, Abuja - Nigeria.  
08055553721, 08022289875, 08036200641  
firstlogchambers@gmail.com

Special Intervention Projects allocation for Disaster Recovery Intervention (wind storm) at the University of Jos for the benefits of the parties (Petitioners & Respondents).

4. THAT, prior to the award of the contract to University of Jos, Hon. Abubakar Lawal personally met with the managements of University of Jos represented by Prof. Tanko Ishaya, Nanzok Bukata Dick-Dyel and Halima Auta were both parties, discussed, negotiated and agreed for the facilitator to use his goodwill, expertise, influence/resources and contacts for the allocation of the project to the University (the beneficiary), at the conclusion of the meeting parties unanimously agreed that the facilitator having succeed in the allocation of the project to University of Jos, he shall be carried along in the award of the contract to a credible and competent /contractor/company of his choice.
5. THAT, sometime in the first quarter or thereabout of last year 2024, the said project under the 2023 Special Intervention Projects allocation for Disaster Recovery Intervention (wind storm) valued at the contract sum of N850,000,000,00 (Eight Hundred and Fifty Million Naira was allocated to the University of Jos as facilitated by Hon. Lawal Abubakar.
4. THAT, having the above been agreed and established, Hon. Lawal Abubakar went ahead to sort for a credible and competent contractor in the name of M/s Mohibba Investment Ltd of number 404, Gwarjo Street, Area 11, Garki - Abuja (herein referred as the Petitioner), both parties come to terms and agreed for pay 20% of the value of the contract sum of N850m after deductions of all Taxes in trenches as commisson/facilitation fees (see attached copy of the Memorandum of Agreement - MOA, Marked as EXHIBIT 'A').
5. THAT, prior to that, Hon. Lawal Abubakar having relied on the agreements, assurances and promises of the Managements of University of Jos (the project beneficiary) of recommending and bringing the project contractor, he went ahead to met with Mohibba Investment Ltd as stated above in paragraph 4, where he further introduced his bosom friend Hon. Adamu Aliyu of the Plateau State House of Assembly (herein referred as the Respondent) to step in on his behalf been him a resident of Jos - Plateau state where the project in been sited at University of Jos accordingly.



6. THAT, he further directed him to carry the proposed contractor to University of Jos management and introduce them as the accepted contractors for the project, which Hon. Adamu Aliyu did and upon satisfactory meetings the contractor agreed to pay part payment of the agreed 20% facilitation fees. The contractor Mohibba Investment Ltd paid to Hon. Lawal Abubakat (the Facilitator) through Hon. Adamu Aliyu a total sum of N43,875,000.00 in three installments as said facilitation/consultation fees as indicated follow:

i. 07/08/2023	-	N12,875,000.00
ii. 27/12/2023	-	N15,000,000.00
iii. 27/12/2023	-	-N4,000,000.00 (Paid SADD ISAH ABUBAKAR)
iv. 29/12/2023	-	<u>N20,000,000.00</u>
TOTAL	=	<u>N43,875,000.00</u>

7. TAKE NOTICE THAT, to the utmost dismay of the respondents, the University of Jos management went ahead to award the contract to a different company in clear violation of the terms of agreement and without the consent of the facilitator Hon. Lawl Abubakar, the situation that embarrassed the respondent, further escalated to him resorting to legal action against University of Jos and the said management team. Thus, on the 10<sup>th</sup> of January, 2024, the legal team of Hon. Lawal Abubakar filed a law suit against University of Jos, Prof Tanko Ishaya, Nanzok Bukata Dick-Dyel and Halima Auta respectively. (see copies of the Writ of Summons as well as Motion on notice on the suit pending at the Plateau State High Court of Justice, Jos with Suit No. PLD/JII/2024 as attached and marked as EXHIBIT 'B').
8. TAKE FURTHER NOTICE THAT, disturbed by the above development the Petitioners approached the Commission with a petition which is subject to your invitation of our client Hon. Adamu Aliyu to your office who is not a direct party to the above transaction.
9. Silmilarly, upon the frustration of the award of the contract to Mohibba Investment by the University of Jos, Hon. Adamu Aliyu refunded the sum of N45,000,000.00 (Forty five Million Naira back to the Mohibba Investment Ltd (the Petitioners) in 4 installments as follows:



i.	01/02/2024	-	N20,000,000.00	Access bank
ii.	10/02/2024	-	N10,000,000.00	Access bank
iii.	13/03/2024	-	N10,000,000.00	Access bank
iv.	28/01/2025	-	<u>N5,000,000.00</u>	GT bank
	<b>TOTAL</b>	<b>=</b>	<b><u>N45,000,000.00</u></b>	

by All the above payments were made through the Zenith account provided the petitioners to our client and same were confirmed (see the banks receipts hereby attached and marked as EXHIBITS 'C1', 'C2', 'C3' and 'C4').

10. In view of the above therefore, we hereby state that, the petitioners has paid N43,875,000.00 through our client and he has paid back N45,000,000.00 to them an amount even higher than what they paid ab-initio.

11. FACTS:

- i. The petitioners (Mohibba Investment Ltd) has entered a business relationship with Hon. Lawal Abubakar for the facilitation of a contract from TETFUND for a project under the 2023 Special Intervention Projects allocation for Disaster Recovery Intervention (wind storm) valued at the contract sum of N850,000,000.00 (Eight Hundred and Fifty Million Naira was allocated to the University as facilitated by Hon. Lawal Abubakar.
- ii. Both petitioners and respondents agreed for a commission fee otherwise known as facilitation/consultation fee of 20% of the total contract value after deductions of all Taxes.
- iii. The petitioners has paid part payment of the sum of N43,875,000.00 to the respondent and the responded has equally refunded the sum of N45,000,000.00 to the petitioners as all stated above.
- iv. The acts of the parties was never contemplated on any fraud but purely civil transaction. The disappointment of not getting the contract awarded as envisaged was not occasioned by the respondent rather by the University of Jos which resulted in a civil suit against them pending at the Plateau State High Court of Justice.

12. PRAYERS:

Sequel to the foregoing circumstances based on the above established facts, we urge the Commission to rest this matter bearing in mind that



the subject Matter of controversy is already in court and money in question has since been refunded to the petitioners accordingly.

12. Consequently, we acknowledge the efforts of the Commission in the discharge of its statutory functions and quest to punish the offenders, however the Commission should not be seeing as punishing of those presumed to be innocent as provided under S.36(5) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).



Most obliged,

A handwritten signature in black ink, appearing to read "Adamu Dahru".

Adamu Dahru, Esq.  
(Principal Partner)



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AND

HON. DR. ADAMU ALIYU (M) ..... RESPONDENT/APPLICANT

**WRITTEN ADDRESS IN SUPPORT OF MOTION**

**1.0 INTRODUCTION**

1.01 This is a Motion on Notice brought pursuant to Sections 35(1) and 36(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and under the inherent powers of the court; essentially praying this Honourable Court for an order vacating/setting aside the Exparte Order directing the Applicant/Respondent, ICPC to declare the Respondent/Applicant wanted and issuing a Bench warrant for his arrest.

1.02 The Motion is supported by an Affidavit and annexed same are documents marked as **Exhibits A, B, C, D, E and F**, respectively.

1.03 The Applicant relies on all Grounds in support of the Application, all the facts contained in the Affidavit and the documents attached as Exhibits, in urging this Honourable Court to grant this Application.

**2.0 ISSUE FOR DETERMINATION**

It is submitted that the issue that call for determination in this application is:

**HAVING REGARDS TO THE FACTS AND CIRCUMSTANCES, WHETHER THE APPLICANT IS ENTITLED TO THE RELIEFS SEEKING TO VACATE THE EXPARTE ORDERS MADE ON 12<sup>TH</sup> SEPTEMBER, 2025.**

**3.0 LEGAL ARGUMENT**

3.01 It is submitted that any party affected by any Judgment or Order given or made against the party in the absence of such party, and the execution thereupon, may apply for the setting aside of the said Judgment, Order or Execution, upon such terms if any, as the Judge thinks just and upon showing sufficient cause for that

purpose. See, **GANAH V. STATE (2019) LPELR-47733 (CA) Per BDLIYA, JCA (Pp. 12-14, paras. B-C)**

**"By way of emphasis, let me state that a Court of law has an inherent Jurisdiction to set aside its own Judgment or a Judgment of a Court of Concurrent Jurisdiction. The circumstance which could warrant the setting aside of a Judgment by a Court of law have been enumerated by the Apex Court in the case of Jev vs. Iyortyom (2015) 15 NWLR (Pt. 1483) P. 484 @ 509, as follow: - "The Supreme Court possesses inherent power to set aside its judgment in appropriate or deserving cases. Such cases are as follows: (a) When the judgment is obtained by fraud or deceit either in the Court or of one or more of the parties such a judgment can be impeached or set aside by means of an action which may be brought without leave; (b) When the judgment is nullity such as when the Court itself was not competent and a person affected by an order of Court which can properly be described as a nullity is entitled ex debito justitiae to have it set aside. (c) When it is obvious that the Court was misled into given judgment under a mistaken belief that the parties consented to it; (d) Where the judgment was given without jurisdiction; and (e) Where the procedure adopted is such as to deprive the decision or judgment of the character of legitimate adjudication." See also Igwe vs. Kalu (2000) 14 NWLR (Pt. 787) 435; Skenconsult Ltd vs. Ukey (1981) 1 SC 6; Ogueze vs. Ojiako (1962) 1 SCNLR 112; Alao vs. ACB Ltd (2009) 9 NWLR (Pt. 672) 264 referred to pp. 503-504. In Bessoy Ltd vs. H.L. (Nig) Ltd (2010) 4 NWLR (Pt. 1184) P. 300 @ 316, this Court held that a Court of law can set aside its judgment in the following circumstances: (a) If the judgment is obtained by fraud or deceit; (b) If the judgment is a nullity such as when the Court itself is not competent; (c) If the Court was misled into giving the judgment under a mistaken belief that the parties had consented to it; (d) If the judgment was given in the absence of jurisdiction; (e) If the procedure adopted was such as to deprive the decision or judgment of the character of a legitimate adjudication. See Vulcan Gases Ltd vs. G.F. Gasverwertung Ind. A.-G. (G.I.V.) (2001) 9 NWLR (Pt. 719) 610; A.T. Ltd vs A.D.H. Ltd (2007) 15 NWLR (Pt. 1056) 118. The conditionalities set out in the case of Jev vs. Iyortyom (2015) 15 NWLR (Pt. 1483) P. 489 @ 509, which could warrant the granting of an order to set aside a judgment delivered by a Court of law, have been satisfied by the applicant."**

- 3.02 In the instant case, the Applicant has by the depositions contained in paragraphs 1 to 20 of the Affidavit in support of this Application that he is a party affected by the Order of this Honourable Court made on 25<sup>th</sup> September, 2025. This is more so, since the proceedings that led to the order made on 12<sup>th</sup> September, 2025, was pursuant to an Exparte Application filed by the ICPC, hence the Applicant had no knowledge of the pendency of the proceedings, thereby denying him the opportunity of defending himself.
- 3.03 It is submitted that **Section 36(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)** guarantees every person the right to fair hearing in the determination of their civil rights and obligations. The purport of this constitutional provision is that no person should be condemned or deprived of his rights without being given the opportunity to be heard. It is submitted that the Applicant has disclosed sufficient vested interest in the subject matter of this Application to warrant the grant of Prayer 1, sought for in this Application.
- 3.04 It is submitted that having disclosed sufficient cause, the Applicant is worthy of being granted the prayers to vacate the Orders made on 12<sup>th</sup> September, 2025. In **DR. AUGUSTINE N. MOZIE & ORS. V. CHIKE MBAMALU & ORS. (2006) LPELR-1922 (SC) (PP. 46, PARA. D)**, His Lordship Oguntade, JSC, in re-iterating the need to allow interested parties to be heard held thus:  
"When the proper parties are not before the Court, such that those who may be affected by the orders of the Court are not before it, the proper course a court must follow is to direct that all persons interested or likely to be affected by the result are brought before it."  
See also **H.R.H. EZE DR FRANK ADELE EKE V. MR. GODFREY CHIZIEZE OGBONDA (2006) LPELR-1075(SC) Per MOHAMMED, JSC (Pp. 18-19, paras. C-B)**.
- 3.05 In the instant case, it is on record that no charge or complaint has been formally filed against the Respondent/Applicant. It is submitted that a charge ought to precede any coercive process in order to properly situate the Court to assume jurisdiction in the matter. Unlike a search warrant which is a pre-investigative tool, an arrest warrant is a post investigative tool which should follow the filing of a formal charge.
- 3.06 **Section 184 of the Administration of Criminal Justice Act**, relied upon by the Applicant/Respondent certainly does not apply to the instant case. In the instant case, the Respondent/Applicant is not bound by any recognizance or bond to appear before a Court or any law enforcement agency such as the Applicant/Respondent, hence the Respondent/Applicant cannot be held to have failed to appear under any recognizance or bond to warrant the issuance of the bench warrant as sought by the Applicant/Respondent in this case.

- 3.07 The Respondent/Applicant has deposed to facts that that he is a sitting Member of the House of Assembly of Plateau State representing Jos North-North Constituency and a very well-known public figure in Plateau State. Hence, the contrary to the contention of the Applicant/Respondent, the assumed urgency does not exist.
- 3.08 The Respondent/Applicant further deposed to facts in support of this Application, that before the Motion Exparte was filed by the Applicant/Respondent and the Order of Court was made on 12<sup>th</sup> September, 2025, he had written to the Applicant/Respondent explaining the circumstances of the case, particularly that he only received the sum of N43,875,000:00 (Forty Three Million, Eight Hundred and Seventy-Five Thousand Naira) and had refunded the alleged sums in excess of the sum of N45,000,000:00 (Forty Five Million Naira). **See copies of the Bank Transaction Receipts are attached and marked as EXHIBITS B, C, D and E, respectively.**
- 3.09 The implication of the above is that material facts were not disclosed to this Honourable Court before the order declaring the Respondent/Applicant wanted and his arrest was made. In other words, there was no frank and full disclosure on the part of the complainant to enable this Honourable Court properly weigh its options and judicially and judiciously exercise its discretion. In **MOHAMMED V. THE STATE (1991) LPELR-1901 (SC) PEROLATAWURA, JSC (PP. 26-27, PARAS. F-A)**, it was held thus:  
**"Suppression of evidence in any trial civil or criminal is a violation of the principle of fair hearing entrenched in our Constitution. It is a serious allegation which must not be made lightly. Suppression of evidence is a denial of justice. Once it is established that evidence in a trial has been suppressed, such a trial should be set aside. See the strictures of this Court in Odofin Bello v. The State (1966) N.S.C.C 268."**
- 3.10 The Respondent/Applicant has further shown that upon becoming aware of the said Order of Court made on 12<sup>th</sup> September, 2025, in this matter, as a law abiding and responsible citizen, and a law maker who believes in the rule of law, he immediately and voluntarily presented himself at the Office of the ICPC in Abuja, on the 15<sup>th</sup> September, 2025, where he was interviewed and cooperated fully with the Officers of the ICPC and was granted Administrative bail.
- 3.11 It submitted that although the Respondent/Applicant has not been formally charged with any offence before a Court of competent jurisdiction, the Respondent/Applicant is already suffering condemnation in the public. The Respondent/Applicant who is a public figure is exposed to actual physical harm by over-zealous members of the public who may claim to be acting on the orders of Court. It is submitted that the grant of the Order declaring the Respondent/Applicant wanted and the issuance of a bench warrant in this circumstance, is drastic, prejudicial and constitutes a gross overreach which has caused him immense reputational embarrassment, personal

distress, portraying him as a fugitive. This is a threat to the Respondent/Applicant's right to liberty guaranteed under **Section 35(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)**.

3.12 It is further submitted that **Section 35(1)** of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) guarantees that no person shall be deprived of his liberty save in accordance with a procedure permitted by law. In the instant case, the Respondent/Applicant was never served with any process or charge before the drastic orders of this Honourable Court were obtained against him. This Honourable Court is urged to protect the Respondent/Applicant's Constitutional Right.

3.13 The Respondent/Applicant is a sitting legislator with fixed representation and residence within Nigeria. He voluntarily presented himself before the ICPC upon learning of the order, which demonstrates utmost respect for the judicial process. These facts negate any presumption of flight risk and further show that the continued subsistence of the Exparte orders serves no other purpose but to subject the Applicant to undue stigma and danger. Overall, it is submitted that the Respondent/Applicant has shown good faith and worthy of the favourable exercise of the Court's discretion.

#### 4.0 **CONCLUSION**

4.01 The Applicant has placed sufficient materials in support of this Application in support of the Applicant's complaint in this Application. We urge this Honourable Court to grant the prayers 1 and 2 accordingly.

**DATED THIS 18<sup>TH</sup> DAY OF SEPTEMBER, 2025.**



✓ **M.B. Abdullahi Esq.**

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