

GOMBE STATE

ADMINISTRATION

OF

CRIMINAL JUSTICE PRACTICE DIRECTION

2023

GOMBE STATE
(ADMINISTRATION OF CRIMINAL JUSTICE
LAW)

PRACTICE DIRECTION NO. 1 OF 2023

Issued by:

Hon. Justice Halima S. Mohammed
Chief Judge
Gombe State

Foreword:

The Gombe State Administration of Criminal Justice Law was assented to in 2020 and came into operation on 2nd October, 2021. Since the enactment of the Law, its constant use and practice in our courts have exposed some gaps. While some lacunae can only be cured through an amendment by the State House of Assembly, others can be alleviated using Rules of Court and Practice Directions. To address some of these identifiable gaps and simplify the application of the Law, I constituted a committee under the chairmanship of Hon. Justice Abdulhameed Mohammed Yakubu to review the Gombe State Administration of Criminal Justice Law and develop these Practice Directions.

The Administration of Criminal Justice Law and this Practice Direction, made pursuant to Section 496 thereof, will govern the practice and procedure in all the courts exercising criminal jurisdiction. As a court, we are committed to ensuring that cases are handled justly, efficiently, expeditiously and with certainty in line with the overriding objective of the Administration of Criminal Justice Law "to ensure that the system of criminal justice administration in the State promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant and the victim."

I am optimistic that this Practice Direction will fulfil the overriding purpose, objectives and guiding principles in aiding the implementation of the Administration of Criminal Justice Law, 2020.

Hon. Justice Halima S. Mohammed
Chief Judge
Gombe State

**ADMINISTRATION OF CRIMINAL JUSTICE PRACTICE DIRECTION NO.1 OF
2023**

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**GOMBE STATE ADMINISTRATION OF CRIMINAL JUSTICE PRACTICE
DIRECTIONS NO. 1 OF 2023**

In the exercise of the powers conferred on me by section 274 of the Constitution of the Federal Republic of Nigeria, 1999 as amended, Section 496 of the Gombe State Administration of Criminal Justice Law, 2020 (hereinafter referred to as “the Law”) and all other powers enabling me in that behalf, I, Hon. Justice Halima S. Mohammed, Honourable Chief Judge of Gombe State High Court of Justice, make the following Practice Direction of Court:

Commencement [..... 2023]

ORDER I

PURPOSE, GUIDING PRINCIPLES AND APPLICATION

Purpose and Guiding Principle

1. (1) The purpose of this Practice Direction is to ensure compliance with the Law and to:
 - (a) ensure efficiency and speed in the management of Criminal Trials and dispensation of Justice;
 - (b) protect the interests and Fundamental Human Rights of the Defendant, Victim, Witnesses and the Society; and
 - (c) provide directions which shall be complied with to enhance Proceedings and ensure that Parties do not suffer unnecessary delays.
- (2) This Practice Direction shall be construed to ensure that:
 - a. the Law is not abused to undermine confidence in the Criminal Justice System;
 - b. Hearings are not stalled;
 - c. Parties focus on matters which are genuinely in issue;
 - d. Interlocutory matters do not occasion delays;
 - e. Prosecution and Defence are ready to commence Trial; and
 - f. Witnesses are ready and available to testify.

Application

2. This Practice Direction shall apply to all Courts exercising Criminal jurisdiction in the State.

ORDER II

INTERPRETATION

For the purpose of this Practice Direction;

“arraignment” means the initial step in a Criminal Prosecution where by the Defendant is brought before the Court to hear the Charge and enter a Plea;

"court" includes Magistrate Court and High Court exercising criminal jurisdiction in the State.

"detention facility" includes Custodial Centres, Borstal institutions and any such facility maintained by any law enforcement agency.

"legally aided" means where a person is represented by a counsel from the Legal Aid Council of Nigeria or any other pro bono service

"police officer" includes any member of the Nigerian Police Force established by the Police Act or where the context so admits, shall include any officer of any law enforcement agency established by a Law of the National Assembly

"probation sentence " means a court imposed criminal sentence that, subject to stated conditions, releases a convicted person into the community instead of sending the convict to a Custodial Centre.

“State” means Gombe State.

ORDER III

BAIL

1. Subject to the provisions of the Law or any other law, every arrested suspect or detainee is entitled to bail. The court may order a person in charge of a custodial centre, police station or any other place of detention to produce in court a person detained in the custodial centre, station or place.
2. The court may in the interest of justice order the release of a person in detention unconditionally or subject to such terms as the court deems fit.

3. A prosecutor shall file along with the charge/FIR a statement indicating whether or not the defendant was granted administrative bail, and if so, the terms of such administrative bail.
4. A Prosecutor who opposes the grant of bail shall specify cogent and convincing reason(s) or exception(s) to the general right to bail on which the prosecutor relies.
5. (1) Where a motion for bail is brought pursuant to the provisions of Section 177 of the Law or any other Law, the Respondent shall, within Seven (7) days of the service of the Motion, file a Counter Affidavit or a Reply on points of Law, if the Respondent desires to react to the Motion.

(2) The Applicant may file a Further Affidavit within Five (5) days of the service of the Counter Affidavit or a Reply on the fresh issues of Law raised in the Respondent's Reply.
6. A suspect who was granted bail during remand proceedings should not be refused bail during the trial unless, in the opinion of the court, there are reasons to justify the refusal.
7. A defendant admitted to bail may be required to produce such surety or sureties as, in the opinion of the court, will be sufficient to ensure his appearance, and for this purpose, the court shall require the execution of:
 - (a) defendant's recognizance;
 - (b) surety's recognizance; and
 - (c) joint bond of the defendant and surety.
8. A court may grant bail conditionally or unconditionally. Where bail is conditional, the terms shall not be excessive but may include the deposit of security in the form of:
 - (a) land title document,
 - (b) international passport,
 - (c) cash or,
 - (d) any other valuable documents.
9. Where a defendant is released on bail, the terms of recognizance entered into by the surety shall be of such nature as to ensure that the defendant is present in court for trial throughout the proceedings.

10. The court may, where the circumstances appear just, vary the order of release on bail of the defendant at any subsequent hearing or stage of the proceedings, provided that the reason for the variation of the order shall be stated.

ORDER IV

REMAND

1. A suspect arrested for an offence for which only the High Court has jurisdiction shall be brought before the High Court within a reasonable time.
2. A suspect arrested for an offence which a Magistrate Court has no jurisdiction to try shall, within a reasonable time, be brought before a Magistrate Court on remand proceedings pursuant to Section 309 of the Law.
3. For the purposes of this order, "reasonable time" means in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometres, a period of 24 hours and in any other case, a period of 48 hours.
4. (1) An Application for remand shall be made ex-parte and in conformity with Form 03 in the First Schedule to this Practice Direction.
(2) An application for remand shall be in writing and accompanied by an affidavit stating the basis for the request.

ORDER V

PLEA BARGAIN AND PLEA GENERALLY

1. In the application of Section 286 of the Law, the process for Plea Bargain shall be commenced, concluded and filed within Three (3) months.

ORDER VI

PRE-HEARING PROTOCOLS

1. (1) After Arraignment, the Court shall:
(a) set down the Case for Pre-trial Hearing within Seven (7) days of the

- Arraignment;
- (b) fix and communicate to the parties the date for pre-trial hearing where all issues of preliminary objections, admissibility of documents and any other question(s) of law relating to the case shall be taken and disposed of to reduce the length of trial; and
 - (c) within Twenty-one (21) days of the last Pre-trial Hearing (where more than one is held) deliver a composite Ruling on all Applications made during Pre-hearing Conference(s).
- (2) No Application, which should have been taken at the Pre-hearing stage, shall be entertained during the Hearing except where the Court is of the opinion that the facts and circumstances of the Application are such that did not exist at the Pre-trial Hearing stage.
- (3) All Preliminary Objections challenging the jurisdiction of the Court to hear a Case, if not raised at the Pre-trial Hearing, shall be heard and the Court shall ensure that Ruling is delivered within Twenty-one (21) days.
- (4) At the end of the Pre-trial Hearing, the Court may issue Orders and Directives, which may include timelines for hearing and incorporating:
- (a) the number of Witnesses to be called by each Party;
 - (b) the time available to each Party to present and defend its Case;
 - (c) specific days and times for Hearing;
 - (d) expected duration of the Trial including when Judgment shall be delivered; and
 - (e) such Order(s) and Directive(s) that in the opinion of the Court would expedite the Trial.

ORDER VII MOTIONS GENERALLY

1. Where by the Law or any other Rule of Practice and Procedure, an Application is required to be made to the Court in writing; such Application shall be accompanied by:
 - (a) an Affidavit;
 - (b) all Exhibits; and
 - (c) a Written Address.

2. Where the Respondent intends to oppose the Application, he shall, within seven (7) days of service of the Application file:
 - (a) a Counter Affidavit;
 - (b) all Exhibits; and
 - (c) a Written Address or a Reply.
3. The Applicant may file a Reply within three (3) days from the date of service.

ORDER VIII

SERVICE OF PROCESSES AND APPLICATIONS

1. No Party can serve a Process, an Application or a Reply on the other Party on the date scheduled for Hearing.
2. All Processes to the Court shall be assessed and paid for (where applicable), duly filed and served where Service is required.
3. In furtherance of the need to ensure speedy dispensation of justice, the court may employ electronic Mail, SMS and other means to inform Counsel and parties of urgent matters and Case events.
4. Counsel and parties' office addresses shall include phone/WhatsApp numbers and email addresses.

ORDER IX

ADDRESSES GENERALLY

1. The provisions of Section 360 of the Law shall be construed to mean that, at the close of the case of the Prosecution, the Defendant may address the Court by filing a No Case Submission within Fourteen (14) days and the Prosecution may file a Reply within Seven (7) days from the date of service of the No Case Submission.
2. The Defendant may address the Court a second time by way of a Reply on Points of Law within three (3) days from the date of service of the Prosecution's Reply.
3. At the conclusion of a full trial in the case, the Defendant may file a final written address within twenty-one days (21), the Prosecution may also file a Final Written Address within fourteen-days (14) and

the Defendant may address the Court a second time by way of Reply on Points of Law within five-days (5).

4. The Parties shall, on the direction of the Court, supply soft copies of their written addresses.
5. (1) All written addresses and final written addresses to be filed shall not exceed fifteen (15) pages, except as otherwise permitted by the Court.
(2) A written address or final written address must be prepared in 210mm by 297mm paper size (A4) and typed in clear typographic character. The type set shall be in Arial, Times New Roman or Tahoma of 14 font size with at least single spaces in between:

PROVIDED THAT any written address which does not comply with the requirements of this Order may be struck out by the Court.

6. Each Party shall be entitled to not more than five (5) minutes for adumbration, if granted by the Court.

ORDER X

DIRECT CRIMINAL COMPLAINT

In giving effect to section 106 of the law, the word "shall" as used in sub-section 6 of the section, shall be construed as "may" depending on the nature, peculiar facts, or circumstances of the complaint or case.

ORDER XI

DISCLOSURE

1. The prosecution shall disclose by serving on the court and defendant any material it intends to rely on during the trial.
2. The prosecution shall also disclose to the defendant material in the prosecution's possession that either supports a defence put up by the defendant or which exculpates him from liability.
3. Where a defendant enters a plea of "not guilty" or the court records

a plea of "not guilty" for the defendant, the defendant may elect to disclose the material he intends to use in his defence.

4. The defendant may apply to the court for access to material in the prosecution's custody where there is reason to believe that the prosecution is withholding evidence particularly one that may aid the defendant's case.
5. An application for the prosecution to disclose may be by motion on notice or oral.
6. The application made under rule 4 shall contain:
 - (a) description of the material;
 - (b) reasonable cause to show that the defendant believes that the prosecution has the material or can obtain the material; and
 - (c) explanation of the importance of such material to the trial.
7. The court, in determining the application, must have recourse to:
 - (a) the defendant's right to a fair trial;
 - (b) the prosecution's right to respond to the application,
 - (c) the rights of confidentiality applicable to the material.
8. The court shall have regard to the extent to which the disclosed material is contentious before setting a date for day to day hearing.
9. The court may:
 - (a) determine the time limit of applications under Rule 4 of this Order.
 - (b) specify the period any material may be disclosed; or
 - (c) vary any direction made under this Order.
10. The court, in considering the application under Rule 4 of this Order, may direct:
 - (a) that the application be heard in privacy; or
 - (b) that any person who will be directly affected if the material were disclosed should be served with the application.
11. A person may only use material disclosed by the prosecution in connection with:
 - (a) the case in which it was disclosed;

- (b) an appeal from the case in which it was disclosed.
12. The court may initiate contempt proceedings against any person who uses the disclosed material in breach of Rule 11 of this order.

ORDER XII

CASE MANAGEMENT

1. This Rule applies to the management of the hearing of cases in Court, including appeals to the High Court.
2. The court may give any direction to manage a case to prevent unnecessary delay.
3. To manage a trial or an appeal, the court may require a defendant or the prosecution to identify:
 - (a) witnesses to give evidence in person;
 - (b) the order of witness evidence;
 - (c) the need for an order compelling the attendance of witnesses;
 - (d) arrangements that are desirable to facilitate the giving of evidence by a witness;
 - (e) arrangements that are desirable to facilitate any other person's participation including the defendant.
4. A trial-within-trial shall commence and be concluded within the period of forty-five (45) days.
5. In ensuring proper case management, the court Registrar shall, where a person is entitled or required to attend a hearing, give a minimum of seven (7) days or as is reasonably practicable to that person, and that person's custodian (if any) and where the court gives directions, promptly make a record available to the parties.
5. Upon arraignment, the trial of the defendant shall proceed on a day-to-day basis as far as the schedule of the court may permit, and to this end;
 - (a) the court shall, in consultation with counsel, set a timeline for the trial up to adoption of final addresses as well as earmark a period which may not be less than 2 hours for the hearing each day.
 - (b) the timeline referred to above shall as far as practicable include a schedule of names of witnesses and the day or days

the presence of any particular witness may be required.

- (c) the court may where a witness is absent in court on dates earmarked in the timeline, make an order to compel attendance of the witness where satisfied that this is required in the circumstances of the case.

6. It shall be the prosecution's duty to ensure that the defendant, who is in custody is present in court at all hearings.

7. Where the defendant is on bail, it shall be the duty of the defendant's counsel and surety (ies) to ensure that the defendant is present in court at all hearings.

ORDER XIII

WITNESSES

1. A summons requiring a witness to attend court to give evidence shall include:
 - (a) the particulars of the witness;
 - (b) the particulars of the defendant;
 - (c) the offence;
 - (d) the court, date and time at which the witness is required to appear;
 - (e) details of any specified document or thing and any other document or thing that the witness is required to bring to court that is in his possession or control;
 - (f) consequences of failing to appear in answer to the summons without any reasonable cause as provided in the extant laws.
2. The court, in granting a witness summons, shall state that the person to whom the summons is addressed is entitled to a refund of his travel expenses where such an expense has not been paid.
3. Where a person who is a compellable witness is present in court, the court may, compel that person to give evidence or produce any document in his possession as if he had been summoned to attend and give evidence.
4. The court may sanction any person who refuses to comply with the order made under Rule 3 of this Order.

ORDER XIV

COMPENSATION TO VICTIMS IN JUDGMENT

Pursuant to section 373 (1) of the law on the issue of compensation, where the demanded compensation is;

- (1) liquidated or not in dispute, the court may award same; and
- (2) not liquidated or in dispute, the court shall resort to section 373 (2) of the Law.

ORDER XV

COSTS GENERALLY

1. In addition to the specific instances outlined in the Law, the Court may award costs in criminal proceedings in accordance with this Practice Direction for the purpose of carrying into effect the provisions of the Law.
2. The court has a direct responsibility for costs in criminal proceedings and can award costs at any stage of the proceedings with or without an application by any of the parties.
3. The court may, on application vary any order made pursuant to Rule 2 of this Order.
4. The court may require the assistance of any other competent authority in determining the cost to be paid under this order.
5. The court may make any Order as to costs on the application of a party.
6. Where the Court makes an order for costs, it must specify the party or person liable, the party or person to whom the payment is to be made and the amount payable.
7. The Court shall give reasons for its decision on costs.
 - (a) Where the court makes an order for the payment of costs, the amount should be sufficiently reasonable to compensate the recipient for costs incurred. Nothing shall prevent the Court from making an order for a proportion of that amount;
 - (b) a stated amount less than that amount;

- (c) costs from or until a specific date only;
 - (d) costs relating only to particular steps taken; or
 - (e) costs relating only to a distinct part of the case.
8. In determining the quantum of costs, the Court shall consider:
- (a) the conduct of all the parties;
 - (b) the time spent on the case;
 - (c) the place and the circumstances in which work or any part of it was done; and
 - (d) any direction or observations by the court that made the costs order.
9. An order for the payment of costs takes effect immediately, unless the court directs otherwise.

ORDER XVI

SENTENCING

1. Where the Court convicts the defendant, the Judge may, for the purpose of determining an appropriate sentence, conduct a hearing.
2. The hearing may be conducted at a subsequent date appointed by the Judge or immediately after conviction.
3. For the purpose of the sentencing hearing, the court shall, in line with the provisions of sections 370 and 438 of the Law:
 - (a) consider any mitigating or aggravating factors disclosed in evidence;
 - (b) consider and apply the Sentencing Guidelines of the Law
4. Where by virtue of section 288 of the Law or any other law, evidence of previous conviction of a convicted person is required, the Court may have recourse to the Register of Convicted Persons provided for under this Practice Direction.

ORDER XVII

NON-CUSTODIAL SENTENCE

1. A court may, with or without conditions, sentence the convict to

perform specified service in his community or any other place as the court may direct.

2. The operations and functions of Community Service Centres arrangements shall be in accordance with the provisions of sections 470 and 471 of the Law or any other relevant law.
3. The court, in exercising its powers, shall consider whether such order is consistent with the following:
 - (a) Decongestion of Custodial centres or Correctional institutions;
 - (b) Rehabilitation of offenders by engaging them productively;
 - (c) Need to separate persons convicted for minor offences from those convicted for serious offences or who are hardened criminals.
4. A community sentence order may be imposed in any of the following circumstances;
 - a) damage to property;
 - b) assault without grievous bodily harm;
 - c) where the court is of the opinion that a non-custodial sentence would be more effective in the circumstance;
 - d) where a person is a first-time offender and has committed a minor offence.
5. In making a community sentence order, the Court may impose additional measures, which may include:
 - (a) restricting the offender to a particular residence or place at certain times or maintaining a 'curfew';
 - (b) ordering the offender to wear an electronic tag to ensure compliance with the sentence;
 - (c) appointments with a designated manager;
 - (d) barring the offender from going to certain places or areas including the place of abode or work of a victim;
 - (e) barring the offender from participating in certain activities, such as visiting a bar, children's community Centre or activities likely to threaten the safety of other people.

ORDER XVIII

REGISTER OF LEGAL AID PROVIDERS

1. The Registrar of the Court shall register any legal practitioner or law firm intending to provide legal aid for persons in detention or defendants.
2. The Registrar of each Court shall compile and forward a copy of the list of the Legal Aid providers to the Chief Registrar quarterly.
3. The Chief Registrar shall maintain a Register of Legal Aid Providers and an updated copy of the register shall be made available to the Legal Aid Council of Nigeria annually.

ORDER XIX

REGISTER OF CONVICTED PERSONS

1. (1) Every Court shall maintain a Register of persons convicted by the Court, which shall contain the following:
 - (a) the name and personal details of the convict in conformity with the particulars included in Form 02 in the First Schedule;
 - (b) the sentence imposed by the court;
 - (c) in the case of a sentence of imprisonment, the correctional facility where the convict is to be held.
- (2) The Registrar of every Court shall transmit the certified copies of Form 02 in the First Schedule referred to in sub-rule 1 of this Rule to the Chief Registrar quarterly.
- (3) The Chief Registrar shall maintain a Register of Records referred to in sub-rule 2 of this Rule.
- (4) The Chief Registrar shall where the person convicted is a Corporate Body forward a certified copy of the Extract of the Entry to the Corporate Affairs Commission.
- (5) The Chief Registrar shall upon a request by the Court or Prosecution in relation to the sentencing hearing of a particular

Convict, provide the Court with certified copies of Extract of the Entry in the Register relating to that person.

(6) Certified copies of such entries shall upon payment of a prescribed fee be made available where required.

2. Where a Convict appeals against the conviction of the Court, the Chief Registrar shall note this on the Register indicating the Court where the appeal is lodged. Upon the conclusion of that or any other appeal proceedings, the Chief Registrar shall enter the outcome of the proceedings in the part of the Register where the conviction was registered.
3. The Chief Registrar shall where the person convicted is a corporate body forward a certified copy of the extract of the entry to the Corporate Affairs Commission.
4. The Chief Registrar shall, upon a request by the Court or Prosecution in relation to the sentencing hearing of a particular Convict, provide the court with certified copies of extract of the entry in the Registry relating to that person. Copies of such entries shall be made available to the counsel for the defence upon payment of a prescribed fee.

ORDER XX

WITNESS EXPENSES

1. The Registrar of the Court may certify the appearance of any person as a witness for each day the witness appears, indicating on an expense claim form, the sum due to them for travel costs and other expenses as prescribed under the scale of fees prescribed in the Second Schedule to this Practice Direction.
2. The Registrar of the Court may, process and subject to availability of funds, pay to the witness directly and before the next adjourned date, the amount prescribed under the Schedule.
3. Where a person attends Court as a state witness, the witness may be entitled to payment as prescribed under the Schedule.
4. Witness for the defence may be reimbursed for travel costs and other expenses.
5. Where a witness has appeared in Court to testify but fails to do so on account of an application by a party for adjournment, the

witness expense for such appearance shall be payable by the party applying for the adjournment on or before the next adjourned date.

6. The sum payable to such a witness shall be in accordance with the amount prescribed under the Second Schedule.
7. A person accompanying a minor, physically challenged or vulnerable witnesses, may if the court directs, receive a sum equivalent to the expenses of other witnesses.

ORDER XXI

VISITATION TO DETENTION FACILITIES

1. The Chief Magistrate in charge of a magisterial district shall maintain a register of detention facilities in the district.
2. The register shall contain the location, nature of the offence, inmate capacity, and such other details as may be prescribed by the Chief Judge.
3. The Visiting Magistrate shall have the powers to:
 - (a) call for and inspect the records of arrest;
 - (b) direct arraignment of a suspect;
 - (c) grant bail to any suspect where appropriate if the offence for which the suspect is held, is within the jurisdiction of the Magistrate.
4. A person in charge of a detention facility shall make available to the Visiting Magistrate:
 - (a) the full record of arrest and record of bail;
 - (b) applications and decisions on bail made within the period;and
 - (c) such other information that the Visiting Magistrate may require.
5. A Visiting Magistrate shall prepare a report that conforms to Form 01 in the First Schedule to this Practice Direction and forward that report to the Chief Judge and also send a copy to:
 - (a) the Chief Magistrate in charge of the district;
 - (b) the Controller of the Nigerian Correctional Service in the State; and

- (c) the person in charge of the detention facility visited.

ORDER XXII

QUARTERLY RETURNS OF CRIMINAL CASES BY LOWER COURTS TO THE CHIEF JUDGE

1. The Return of Criminal Cases referred to in Section 128 (5) of the Law, by the lower Courts in the State shall be as in Forms 5 and 6 of this Practice Direction.

ORDER XXIII

POWER OF THE CHIEF JUDGE TO REVIEW RETURNS

1. In reviewing the quarterly returns, the Chief Judge must comply with the conditions provided by section 128 (6) paragraph (a) – (d) of the law.

ORDER XXIV

FAILURE OF THE GOVERNOR TO SIGN EXECUTION ORDER OF A CONVICT FOR A PERIOD OF 10 YEARS

1. The Controller of Corrections shall compile the list of the Convicts, who have spent a period of (Ten) 10 years and above on Death Row and who have exhausted all legal procedures of Appeal and forward to the Executive Governor through the Office of the Attorney-General for necessary action.

ORDER XXV

APPEALS FROM LOWER COURTS

1. (1) Pursuant to the provisions of Section 486 of the Law, the Respondent upon service of the Appellant's Written Address, may file A Written Address within Thirty (30) days.

(2) The Appellant may within Seven (7) days from the date of service of the Respondent's Written Address, file a Reply.

FIRST SCHEDULE

FORM 01

Order 19 Rule 5

FORM OF DETENTION CENTRE REPORT

In the..... Magisterial District of Gombe State

Name of Detention Facility.....

Type of Detention Facility.....

Date of Scheduled Visit.....

Number of Awaiting Trial Inmates.....

Number of Inmates Granted Bail, yet to fulfil bail Conditions.....

Number of Inmates not Arraigned.....

Number of Inmates having charge beyond Magistrate's jurisdiction...

Number of Inmates granted bail during visit.....

Reason for grant of bail by Magistrate.....

Number of inmates released under the discretion of Magistrate with or without conditions.....

Reason for release of inmates under the discretion of the Magistrate with or without conditions.....

Further comments where necessary for the improvement of detention facility.....

DATED THISDAY OF20.....

.....
SIGN

FORM 02

Order 17 Rule 1

PARTICULARS OF ENTRY IN REGISTER OF CONVICTED OFFENDERS

Name of
Convict.....

Date of
Birth.....

Last Known Address/State of Origin and LGA.....

Nature of Offence Committed.....

Has the convict been convicted previously of any offence? (if yes, give further details of nature of offence and Nature of sentence)

.....
.....

Detention Facility.....

Previous Detention Facility (where applicable)

Nature of Sentence (Custodial/Non-Custodial).....

Duration of Custodial centre Term (Months/Years, if Applicable).....

Number of Months/Years Served.....

Year Eligible for Parole (if applicable).....

What Type of Rehabilitation Programme is Convict engaged in?.....

Estimated Date of Release (Where applicable).....

DATED THISDAY OF
.....20.....

.....
SIGN

FORM 03

Order 4 Rule 4

FORMS FOR REMAND PROCEEDINGS
SECTION 309 GS ACJL
REPORT AND REQUEST FORM FOR REMAND

APPL. NO:.....

BETWEEN:

COP/STATE.....APPLICANT

AND

XYZ.....SUSPECT(S)/RESPONDENT(S)

To: The Registrar of the Court

The Court is hereby informed that there is a probable cause to order the remand of XYZ (state particulars of the Respondent, namely age, sex, occupation) of (state details of the Respondent's street address or where there is no precise street address, as near and close description as possible of the location of the Respondent's last known Place of abode) in remand custody in _____ (state the exact place of custody in which the applicant proposes to remand the Respondent such as the name and location of the custodial centre or other detention place) who is reasonably suspected to have committed the offence of____

_____contrary to section_____

_____of

the_____

Within _____ High Court Division/Magisterial District on or about _____ (state the date or approximate date or the period of commission of the alleged offence) on grounds stated below: _____

Dated this _____ day of _____

20 _____

GROUND FOR THE REQUEST FOR REMAND

1 Place, time and circumstance of arrest: _____

2. Arrested with Exhibit(s) _____ Yes _____ No (Tick appropriately)

(disregard (3) and (4) below if the Respondent was not arrested with Exhibit(s).

3. If arrested with Exhibit(s), state clearly the particulars of the Exhibit(s)

4. If arrested with Exhibit(s), state clearly how the items are related to or linked with the commission of the alleged offence:

5. State particulars of other evidence or report linking the Respondent to the commission of the offence such as forensic evidence, marks or finger prints, etc.

6. Confessional statement _____ Yes _____ No _____

7. Any previous conviction for the same or similar offence? Yes _____ No _____

8. If (7) above is Yes, state the particulars of previous

conviction(s)_____

9. Found in custody or possession of offensive weapon, object or substance: Yes_____ No___

10. If Yes, Identification by victim(s) or witness(es). If No, (State the particulars of such victim(s) or witness(es)

(i) Name:.....

Age:.....

Sex:.....

Address:.....

Occupation:.....

(ii) Name:.....

Age:.....

Sex:.....

Address:.....

Occupation:.....

(iii) Name:.....

Age:.....

Sex:.....

Address:.....

Occupation:.....

11. Need for further investigation _____Yes _____No

12. Period/duration required for further investigation
.....(state approximate
days/weeks/months required to complete investigation)

13. Any further relevant information
.....
.....
.....

Signed.....
(Commissioner of Police/Director of Public Prosecution/ Law
officer/Police officer)

FORM 05

Order 22 Rule 1

GOMBE STATE JUDICIARY QUARTERLY RETURN OF CRIMINAL
CASES FOR LOWER COURTS ENDING.....20.....

NAME OF COURT:

		CASES BROUGHT FORWARD QUARTER	CASES REGISTERED R			AND IF NOT R FF DURING THE	OF CASES AT THE END OF THE	

NAME OF JUDGE:

SIGNATURE: DATE:

CROSSED-CHECKED BY DEPUTY CHIEF REGISTRAR LITIGATION

SIGNATURE: DATE:

CONFIRMED BY CHIEF JUDGE

SIGNATURE: DATE:

FORM 06

Order 22 Rule 1

GOMBE STATE JUDICIARY
RETURNS FOR DISPOSED CRIMINAL CASES FOR THE QUARTER
ENDING

NAME OF COURT:

				WITNESSES		L

NAME OF JUDGE:

SIGNATURE: DATE:

CROSSED-CHECKED BY DEPUTY CHIEF REGISTRAR LITIGATION

SIGNATURE: DATE:

CONFIRMED BY CHIEF JUDGE

SIGNATURE: DATE:

SECOND SCHEDULE

ORDER 18 RULE 1

TRAVELING EXPENSES FOR WITNESSES

Ordinary Witness

1. Road transportation (less than 50 Kilometres) = N5, 000.00
2. Road transportation (above 50 kilometres) = N5, 500.00
3. Road transportation (inter-state from 100 kilometres upwards) = N10, 000.00
4. Allowance for meals (attendance at Court not exceeding 5 hours)= N1,000:00
5. Allowance for meals (attendance at Court exceeding 5 hours but not up to 8 hours) = N1, 500:00
6. Accommodation and dinner per night (Inter-state) = N20, 000.00
7. A witness may only be reimbursed for air travel if the Registrar is satisfied that the use thereof is warranted and has been pre - approved that the witness may make use of air transport.

Professional Witness

1. Road transportation (less than 50 Kilometres) = N5, 500.00
2. Road transportation (above 50 kilometres) = N7, 500.00
3. Road transportation (inter-state from 100 kilometres upwards) = N15, 000.00
4. Allowance for meals (attendance at Court not exceeding 5 hours) - N1, 500:00
5. Allowance for meals (attendance at Court exceeding 5 hours but not up to 8 hours) = N2, 500:00
6. Accommodation and meals per night (Inter-state) = N22, 000.00
7. A witness may only be reimbursed for air travel if the Registrar is satisfied that the use thereof is warranted and has been pre - approved that the witness may make use of air transport.

MADE at Gombe this 20th day of December, 2023

Signed

HON. JUSTICE HALIMA S. MOHAMMED
Chief Judge
Gombe State

EXPLANATORY NOTE

(This explanatory note does not form part of this Practice Direction but is only intended to explain its purport)

This Practice Direction sets out to aid the implementation of the Administration of Criminal Justice Law, in line with its objectives and purpose of ensuring fair, effective and efficient dispensation of criminal justice.