

GOMBE STATE JUDICIARY

PUBLIC NOTICE

IN THE HIGH COURT OF JUSTICE OF GOMBE STATE OF NIGERIA

BEFORE HIS LORDSHIP

HON. JUSTICE HALIMA S. MOHAMMED

CHIEF JUDGE

IN CHAMBERS

PRACTICE DIRECTIONS NO. 1 OF 2023

**TOWARDS SPEEDY HEARING AND DISPOSAL OF CRIMINAL AND CIVIL
APPEALS**

GOMBE STATE HIGH COURT PRACTICE DIRECTIONS (APPEALS), NO. 1 OF 2023

Commencement: 8th Day of August, 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) and Section 116 of the High Court Laws of Gombe State and all other laws and powers enabling me in that behalf, I, Honourable Justice Halima S. Mohammed, Chief Judge of Gombe State, hereby issue the following Practice Directions:

ORDER ONE

OBJECTIVES AND GUIDING PRINCIPLES

1. The objectives of these Practice Directions shall be as follows:

- (a) To provide time limits within which parties to an appeal before the Court are to mandatorily do certain acts towards ensuring speedy hearing of appeals;
- (b) To eliminate unnecessary delay, ensuring rules of procedure are not abused or used to undermine the confidence in the justice system; and
- (c) To ensure that hearings are not stalled by unpreparedness of parties or their Counsel and minimize undue adjournments and delays.

ORDER TWO

APPLICABILITY

These Practice Directions shall save to the extent and as may otherwise be directed by the Chief Judge apply to both Criminal and Civil Appeals of the Court.

ORDER THREE

INTERPRETATION

In these Practice Directions:

"Appeals Registry" means the registry where all appeals from the decisions of Lower Courts and Tribunals are filed;

"Court" means Gombe State High Court;

“Lower Courts” means the Magistrates’ Courts, District Courts, and Upper Area Courts of the State;

“State” means Gombe State;

“Tribunals” means any Tribunal or Commission of Inquiry established by the State House of Assembly or by an Executive Order.

ORDER FOUR

APPEALS FROM THE LOWER COURTS AND TRIBUNALS

- 1.** All appeals from the Lower Courts and Tribunals shall be lodged in the Appeals Registry within thirty (30) days of the judgment/decision complained of by the party or his Counsel if represented, unless where the appeal is against interlocutory order in which case, the appeal shall be lodged within fourteen (14) days from the date the interlocutory order is made.
- 2.** The record of proceedings of the Lower Court or Tribunal whose decision is subject of the appeal shall be transmitted and filed within thirty (30) days in the Appeals Registry of the Court.
- 3.** The Appellant shall within twenty-one (21) days of the service on him of the record of appeal from the Lower Court or Tribunal file in the Court a written brief being a succinct statement of his argument in the appeal:
PROVIDED THAT where a party is not represented by a Counsel, the party shall file a succinct statement of the complaint duly signed by him in place of brief of argument.
- 4.** The record of proceedings and the Appellant’s brief of argument filed pursuant to rule 2 and 3 of this Order shall each be served on the party(ies) affected by the appeal within seven (7) days except as otherwise ordered by the Court.

5. Where a Notice of Appeal is filed in the Appeals Registry and thereafter, the Lower Court failed to release/transmit the record of proceedings within the stipulated time (30 days), the appeal will notwithstanding the failure, be listed for hearing and the Court shall order the Lower Court or Tribunal to produce the record of proceedings within fourteen (14) days:

PROVIDED THAT where it is established that the Appellant refused or neglected to facilitate for the transmission of the record of proceedings, the appeal may be struck out by the Court.

6. The Respondent may compile and transmit additional record of appeal if the record compiled and transmitted by the Appellant is incomplete.

7. (a) Every brief of argument or the succinct statement of the party must be typed in clear typographical character, numbered in paragraphs and printed on white A4 opaque paper;

(b) Except where the Court directs otherwise, every brief to be filed in the Court by a Counsel shall not exceed twenty-five (25) pages.

8. Where the Respondent served with the notice and grounds of appeal and the Appellant's brief of argument is desirous of opposing the appeal, he shall within fourteen (14) days of service on him of the Appellant's brief of argument, file his brief of argument and preliminary objection (if any), and shall be duly signed by the Respondent if not represented by a Counsel.

9. The Appellant shall have seven (7) days to reply on points of law if any, failing which it will be deemed as having waived his right of reply.

10. Where the Respondent served fails to comply with the requirement of rule 8 of this Order, the appeal shall notwithstanding his failure, proceed to hearing.

- 11.** Leave to argue additional grounds of appeal may be allowed by the Court provided that notice is given to the Respondent at least 48 hours to the date set down for hearing.
- 12.** Where an appeal is struck-out by the Court; the party wishing to relist shall pay a penalty of Five Thousand Naira (N5000:00) before relisting:
PROVIDED THAT where the party wishing to relist continues to be in default for twenty-one (21) days after the appeal session in which the appeal was struck out, additional penalty of Five Hundred Naira (N500:00) per day shall be paid by the party.

**ORDER FIVE
CITATION AND REPEAL**

- 1.** These Practice Directions shall be cited as Practice Directions No. 1 of 2023 and same hereby repealed Order 8 of the Practice Directions 2012.
- 2.** All proceedings commenced or taken in accordance with the provisions of Order 8 of the Practice Directions 2012 in respect of appeals prior to the commencement of these Practice Directions shall be valid, effectual and shall continue in accordance with the provisions of these Practice Directions.

MADE AT GOMBE THIS 8TH DAY OF AUGUST, 2023

**SIGNED
HON. JUSTICE HALIMA S. MOHAMMED
CHIEF JUDGE OF GOMBE STATE**