

**IN THE HIGH COURT OF JUSTICE**  
**IN THE BENIN JUDICIAL DIVISION**  
**HOLDEN AT BENIN CITY**  
**BEFORE HIS LORDSHIP, HON.JUSTICE P.A.AKHIHIERO,**  
**ON THURSDAY THE**  
**31<sup>ST</sup> DAY OF JULY, 2025.**

**SUIT NO. B/57<sup>M</sup>/2024**

**IN THE MATTER OF APPLICATION BY EMMANUEL EGHAGHE FOR**  
**AN ORDER FOR THE ENFORCEMENT OF HIS FUNDAMENTAL RIGHTS**

**EMMANUEL EGHAGHE -----APPLICANT**

**AND**

|                                                     |   |                    |
|-----------------------------------------------------|---|--------------------|
| <b>1. INSPECTOR GODDAY LUCKY IGBOMA</b>             | } | <b>RESPONDENTS</b> |
| <b>2. THE ASSISTANT INSPECTOR GENERAL OF POLICE</b> |   |                    |
| <b>3. MR. AGBONS ABU</b>                            |   |                    |

**JUDGMENT**

This is a Judgment in respect of an application for the enforcement of Fundamental Rights brought pursuant to ***Order 2 of the Fundamental Right Enforcement Procedure Rules 2009 and Sections 34, 35(1) and 41(1) of the Constitution of the Federal Republic of Nigeria 1999 (As Amended)*** And under the inherent jurisdiction of this Honourable Court.

In this application, the Applicant is seeking the following reliefs:

- 1. A declaration that the continuous threat of arrest or likely arrest and detention of the Applicant by the 1st and 2nd Respondents based on the prompting/instigation/insistence of the 3rd Respondent is ultra vires, outside the powers of the police, unlawful, unconstitutional and***

*constitutes an infringement or threatened or likely infringement of the Applicant's Fundamental Rights to personal liberty, Right to freedom of movement and Right of dignity of human person as guaranteed by Sections 34, 35(1) and 41(1) of the Constitution of the Federal Republic of Nigeria, 1999 and Articles 5 and 6 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 2004.*

- 2. A declaration that the 3rd Respondent's act in wrongfully and maliciously instigating the 1st and 2nd Respondents to effect the arrest of the Applicant over an act which does not constitute a criminal offence in law is calculated to breach the Applicant's fundamental rights to personal liberty, right to freedom of movement and human dignity guaranteed under Sections 34, 35 and 41 of the Constitution of the Federal Republic of Nigeria, 1999.*
- 3. A declaration that the 2nd Respondent continuous laying of siege and surveillance in/or over the Applicant's House in order to effect the arrest and detention of the Applicant is an infringement of the Applicant's right to freedom of movement as guaranteed by Section 41(1) of the Constitution of the Federal Republic of Nigeria, 1999.*
- 4. An Order of perpetual injunction restraining the Respondents and their agents, servants or privies from arresting, harassing or threatening to arrest and detain the Applicant over or in respect of this matter or any other matter connected thereto.*
- 5. N10, 000,000.00 (Ten Million Naira) General Damages against the Respondents.*

The application is supported by an affidavit of 24 paragraphs and the written address of the learned counsel for the Applicant.

From the contents of the supporting affidavit, the Applicant's complaint is that the arrest and detention and the continuous threat of arrest and detention of the Applicant by the 1st and 2nd Respondents based on the prompting/insistence of the 3rd Respondent constitutes an infringement of the Applicant's fundamental human right. According to the Applicant, the action of the Respondents offends Sections 34, 35 and 41 of the 1999 Constitution of the Federal Republic of Nigeria (As Amended) which guarantees the fundamental rights to personal liberty, human dignity and freedom of movement of the Applicant.

In his affidavit, the Applicant averred that sometime in the year 2021 one of his brothers-in-law informed him that he wanted to sell his landed property and therefore requested that he should him to look for a buyer for the said property which the Applicant readily obliged. The Applicant then approached the 3rd

Respondent who the Applicant had known for some time now as a land speculator and informed him of the landed property.

The 3rd Respondent informed the Applicant that he had a buyer who was willing to purchase the land. The Applicant then took the 3rd Respondent to the land and 3rd Respondent inspected it. The 3<sup>rd</sup> Respondent after inspecting the land then requested for the Applicant's account details. According to the Applicant, upon submission his account details, the 3rd Respondent transferred about Eight Million Naira (N8, 000,000.00) into the Applicant's account as consideration for the land and a Deed of Transfer was executed in respect of the Land.

However, according to the Applicant, soon after the land was sold, the owner of the land reneged on the agreement and insisted that he was no longer interest in transferring the land to the 3<sup>rd</sup> Respondent's buyer. Thus, following the failure of the land transaction, the 3rd Respondent demanded for a refund of his money.

The Applicant alleged that with the failure of the land transaction, he immediately transferred the sum of Two Million Six Hundred Thousand Naira (N2, 600, 000.00) to the 3<sup>rd</sup> Respondent and promised to transfer the balance sum to him on a later date.

The Applicant stated that he was unable to transfer the remaining sum as promised due to some financial difficulties therefore he pleaded for some more time to enable him pay the money. According to the Applicant, in spite of his plea, the 3rd Respondent brought in the 1<sup>st</sup> Respondent from the office of the 2<sup>nd</sup> Respondent where he was arrested and detained but later released on bail after six days in the 1st and 2nd Respondent's detention cells.

The Applicant alleged that soon after he was released on bail, the Applicant paid another One Million Naira (N1, 000, 000.00) to the 1st Respondent making a total of Three Million Six Hundred Thousand Naira (N3, 600, 000.00) paid by the Applicant thus far to the 3rd Respondent.

The Applicant also alleged that notwithstanding the fact that the Applicant pleaded for more time to enable him to pay the balance sum to the 3rd Respondent, the 3rd Respondent has continued to use the 1st Respondent to harass, arrest and extort money from the Applicant in the guise of investigating the matter.

According to the Applicant, sometime in March 2024, the 3rd Respondent in company of the 1st Respondent invaded the Applicant's residence to arrest and detain the Applicant over this matter. He stated that for fear of being unlawfully arrested, shamefully handcuffed, harassed and detained, the Applicant left the

house on noticing the Respondents invading his residence. He alleged that the Respondents on noticing that they could not get hold of the Applicant then warned and threatened that they would haunt the Applicant down like a common criminal if the Applicant does not pay the 3rd Respondent his money.

The Applicant also alleged that the 3rd Respondent using the instrumentality of the 1st and 2nd Respondents has vowed to humiliate and deal with the Applicant. According to the Applicant, the threatened arrest or likely arrest and detention of the Applicant will cause untold sufferings to the Applicant as the Applicant has been and will be subjected to degrading and/or dehumanizing treatment like a common criminal. The Applicant stated that he is no longer able to move freely as the 1st Respondent acting on the instruction of the 2nd Respondent and the instigation of the 3rd Respondent has continued to lay siege and surveillance over his house all in a bid to arrest and detain him causing him to live in fear.

In the Applicant counsel's written address, learned counsel for the Applicant raised a sole issue for determination as follows;

***“Whether the arrest and detention and the continuous threat of arrest and detention of the Applicant by the Respondents in the circumstance of this case is justifiable in Law and whether same constitutes an infringement of the Applicants’ fundamental right to personal liberty, dignity of the human person and freedom of movement as guaranteed by Sections 34, 35 and 41 of the Constitution of the Federal Republic of Nigeria, 1999 and Articles 5 and 6 of the African Charter on Human and People Right (Ratification and Enforcement) Act 2004.”***

Learned counsel submitted that the arrest, detention and continuous threat of arrest and detention of the Applicant by the 1st and 2nd Respondents based on the prompting/insistence of the 3rd Respondent constitutes an infringement of the Applicant's fundamental human right. According to the learned counsel, the action of the Respondents offends Sections 34, 35 and 41 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) which guarantees the fundamental rights to personal liberty, human dignity and freedom of movement of the Applicant.

Learned counsel to the Applicant submitted that Section 46 of the 1999 Constitution provides that where any person alleges that his fundamental human right as guaranteed under the said Constitution is being or likely to be contravened, such a person may apply to this Honourable court for redress.

Learned counsel submitted that the instigation of the 1st and 2nd Respondents by the 3rd Respondent to effect the arrest and detention of the Applicant and the

continuous threat of arrest and detention of the Applicant without reasonable justification never contemplates a situation where the 1st and 2nd respondents will deprive an individual such as the Applicant, his right to personal liberty, dignity of human person and Freedom of movement where no offence or crime has been committed. In support of this learned counsel cited the case of ***Onogoruwa (1991) 5 NWLR(Pt. 193) 613 at 645 paras A – C.***

Learned counsel urged this court to take particular notice of the fact that the alleged offence is not one known to our criminal jurisprudence. According to the learned counsel, the courts have held in a plethora of cases that the police have no business investigating and dabbling into land matters as same is within the purview of the civil courts.

Learned counsel stated that this is a failed landed transaction between the Applicant and the 3rd Respondent and at best, the 3rd Respondent only has a remedy in civil action which the 3rd Respondent ought to have taken rather than using the instrumentality of the 1st and the 2nd Respondent to harass, oppress and subject the Applicant to degrading treatment.

Learned counsel further submitted that the circumstances and facts of the arrest, detention, continuous threat and arrest of the Applicant by the Respondents as shown in the affidavit and the statement of facts is devoid of any criminal act or responsibility on the part of the Applicant.

He also submitted that the actions by the 1st and 2nd Respondents based on the instruction and/or instigation of the 3rd Respondents in the circumstance and facts of this case as shown from the affidavit and statement of facts constitute an infringement of the Applicant's fundamental human rights to personal liberty, dignity of human person and freedom of movement as contained in Sections 34, 35 and 41 of the 1999 Constitution of the Federal Republic of Nigeria and Sections 5 and 6 of the African Charter of Human and Peoples ' Rights (Ratification and Enforcement) Act, 2004.

He further submitted that by the provisions of Section 46 of the 1999 Constitution, the Applicant can apply and this Court has the powers to safeguard and protect the Fundamental human rights of an individual such as the Applicant in this case. He cited the case of ***Nawa v. AG. Cross Rivers State (2008) ALL FWLR (Pt. 401) 807 at 840 paras E. F.***

He also submitted that where this Court holds or come to the conclusion that the arrest and detention of the Applicant by the 1st and 2nd Respondents based on the instigation of the 3rd Respondent is illegal, unlawful and unconstitutional, then the

Applicant is entitled to the award of damages for the infringement of his Fundamental Human Rights as enshrined in the 1999 Constitution

Learned counsel for the Applicant therefore urged this court to hold that the Applicant is entitled to the reliefs claimed and that judgment be given in favour of the Applicant.

In this application, one ***O.J. Musa Esq.***, a Legal Officer in the Legal/Prosecution Section (Zonal C.I.D) Zone 5 Police Headquarters, Benin City, filed a motion on notice for leave and extension of time to file a Joint Counter-Affidavit and Written Address on behalf of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. The said lawyer appeared in the Court once during the pendency of this Application but he did not move his motion to bring in his processes in defence of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. Apart from that single appearance, he never appeared again in this matter. In essence, the 1<sup>st</sup> and 2<sup>nd</sup> Respondents do not have any valid Counter-Affidavit or Written Address in defence of this application. Furthermore, the 3<sup>rd</sup> Respondent never appeared in person neither was he represented by any counsel all through the proceedings. In effect, this application was not defended by any of the Respondents.

However, the failure of the Respondents to file any response cannot prevent the Court from proceeding with the substantive application. Once there is proof that the Respondents have been given opportunity to react to the application, the Court is at liberty to proceed. See: ***Nice v. Attorney General of the Federation (2007) CHR 218***. Furthermore, it is now settled law that a Respondent who fails to file a written address is deemed to have admitted the issues raised in the Applicant's written address. See the case of ***Omowunmi v. Ogunsiji (2008) 3 WRN 115***.

Again, in the case of ***Olisa Agbakoba v. Director, State Security Service (1994) 7 NWLR (Pt.351) 353 at 500***, the Court of Appeal opined thus:

***“It will work injustice and defeat the whole purpose of enforcement of fundamental rights were a complainant to be deprived of a declaration of infringement of his right merely by reason of the fact that the other parties to the proceedings failed, despite all opportunities given them, to offer either affidavit or any evidence or appear to be heard on the application.”***

However, the Applicant still has the burden to prove that the Respondents breached his fundamental rights. In the case of ***Agbakoba v. Director, State Security Service (1994), supra***, the Court reiterated thus:

***“...the court will not declare a right to be infringed merely because the other party to the application has neither filed an affidavit nor come forward to be***

***heard on the application if the affidavit and materials placed before him in support of the application show that the right claimed does not exist or, if it exists, has not been infringed.”***

I have carefully considered the facts contained in the supporting affidavit together with the submissions of the learned counsel for the Applicant. The facts are uncontroverted. It is settled law that when a respondent fails to file a counter affidavit, he is deemed to have admitted the facts contained in the affidavit in support of the application. See: *Nwosu V Imo State Environmental Protection Agency 1990 2 NWLR (Pt.135), 688; and Egbuna V Egbuna 1989 2 NWLR (Pt. 106) 773, 777.*

On the above authorities, the Respondents are deemed to have admitted all the facts as contained in the Applicant’s affidavit in support of this Application.

The facts reveal very clearly that sometime in the year 2021 one of the Applicant’s brother-in-laws informed the Applicant that he wanted to sell his landed property and therefore requested the Applicant to help him to look for a buyer for the said property which the Applicant readily obliged. The Applicant approached the 3<sup>rd</sup> Respondent who the Applicant had known for some time now as a land speculator and informed him of the landed property.

The 3<sup>rd</sup> Respondent informed the Applicant that he had a buyer who was willing to purchase the land. The Applicant took the 3<sup>rd</sup> Respondent to the land and the 3<sup>rd</sup> Respondent inspected it and requested the Applicant to give him the Applicant’s account details which the Applicant did and the 3<sup>rd</sup> Respondent transferred the sum of Eight Million Naira (N8, 000,000.00) into the Applicant’s account as consideration for the land and a Deed of Transfer was executed between the parties.

Soon after the land was sold, the owner of the land decided that he was no longer interested in selling the land. He therefore refused to deliver possession to the 3<sup>rd</sup> Respondent’s buyer.

Following the failure of the Seller to deliver possession to the Buyer, the 3<sup>rd</sup> Respondent demanded for a refund of the purchase price and the Applicant immediately refunded the sum of Two Million Six Hundred Thousand Naira (N2, 600, 000.00) to the 3<sup>rd</sup> Respondent and promised to refund the balance subsequently.

Unfortunately, the Applicant was unable to refund the balance as promised and pleaded for some more time to enable him pay the money. Despite the Applicant’s

plea, the 3<sup>rd</sup> Respondent invited the 2<sup>nd</sup> Respondent from the office of the 1<sup>st</sup> Respondent and arrested the Applicant and took him into the custody of the 1<sup>st</sup> Respondent where Applicant was detained and later released on bail after six days in the 1<sup>st</sup> and 2<sup>nd</sup> Respondent's detention cells.

Soon after the Applicant was released on bail the Applicant paid another One Million Naira (N1, 000, 000.00) to the 1<sup>st</sup> Respondent making a total of Three Million Six Hundred Thousand Naira (N3, 600, 000.00) which the Applicant paid so far to the 3<sup>rd</sup> Respondent.

The Applicant informed the Court that notwithstanding the fact that the Applicant pleaded for more time to enable the Applicant to pay the balance sum to the 3<sup>rd</sup> Respondent, the 3<sup>rd</sup> Respondent has continued to use the 1<sup>st</sup> Respondent to harass, arrest and extort money from the Applicant in the guise of investigating the matter.

The Applicant further stated that sometime in the month of March, 2024, the 3<sup>rd</sup> Respondent in the company of the 1<sup>st</sup> Respondent invaded the Applicant's residence to arrest and detain the Applicant over this matter which he maintains bothers on a failed land transaction.

The Applicant has alleged that the 3<sup>rd</sup> Respondent is using the instrumentality of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to humiliate and harass deal him over a civil transaction.

All these evidence adduced by the Applicant against the Respondents remain uncontroverted. The Respondents are deemed to have admitted all of them.

***Section 46 of the 1999 Constitution*** provides that where any person alleges that his fundamental human right as guaranteed under the said Constitution is being or likely to be contravened, such as in this case, the said person may apply to the Court to seek redress.

The sole issue for determination in this application is whether the Applicant is entitled to the reliefs which he seeks in this application.

The Applicant has maintained that his fundamental rights to personal liberty, dignity of human person and freedom of movement have being violated by the Respondents.

As a foundation, every citizen of Nigeria has a constitutionally guaranteed right to his personal liberty which cannot be interfered with or violated except as may be permitted by the Constitution or a law made pursuant thereto. ***Section 35 (1) of the***

*1999 Constitution (as altered)* has made the following provisions on the personal liberty of a Nigerian:-

***“Section 35 (1) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law- a) in execution of the sentence or order of a Court in respect of a criminal offence of which he has been found guilty; c) for the purpose of bringing him before a Court in execution of the order of a Court or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence; d) in the case of a person who has not attained the age of eighteen years for the purpose of his education or welfare; e) in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community or f) for the purpose of preventing the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto.”***

*Section 35(6) of the Constitution* provides for the consequences against the authority or person responsible for violation of the personal liberty of a citizen. It stipulates thus:- ***"Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person; and in this subsection, 'the appropriate authority or person' means an authority or person specified by law."***

*Section 35(1) of the Constitution* guarantees to every person his/her personal liberty. In the instant case, the Applicant has shown that the Respondents arrested him and detained him for some days for a civil transaction of breach of contract for the purchase of land. He said that they are also threatening to arrest him again.

On their part, the Respondents did not make any attempt to justify their actions by coming under any of the exceptions stipulated in *section 35(1) (a) to (f) of the Constitution*. Again, *Section 35(6) of the Constitution* provides thus: ***“Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or Person...”***

Furthermore, *sections 46(1) and (2) of the Constitution* provide as follows: ***“46. (1) Any person who alleges that any of the provisions of this Chapter has been, is being or likely to be contravened in any State in relation to him may apply to a High Court in that State for redress.***

***(2) Subject to the provisions of this Constitution, a High Court shall have***

*original jurisdiction to hear and determine any application made to it in pursuance of the provisions of this section and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement within that State of any right to which the person who makes the application may be entitled under this Chapter.”*

A community reading of *Sections 35(6) and 46 (1) and (2) of the Constitution (Supra)* will give effect to the principle of *Ubi jus Ibi remedium* (where there is a right, there is a remedy). By *Sections 35 and 46 of the Constitution*, Fundamental Right matters are placed on a higher pedestal than ordinary civil matters in which a claim for damages resulting from a proven injury has to be made specifically and proved. Once the Applicant as in the instant case has established that the Respondents have violated his right to personal liberty, damages in form of compensation and even apology would follow.

Next is on the infringement of the right to dignity of the human person.

*Section 34(1) of the 1999 Nigerian Constitution* provides as follows:

*“34. (1) Every individual is entitled to respect for the dignity of his person, and accordingly –*

- a) no person shall be subjected to torture or to inhuman or degrading treatment;*
- b) no person shall be held in slavery or servitude; and*
- c) no person shall be required to perform forced or compulsory labour.”*

The facts revealed that the Respondents arrested and incarcerated the Applicant for some days over this civil transaction. Torture is forbidden under *Section 34(1) (a) of the Constitution of the Federal of Nigeria, 1999*. It is a violation of one of the fundamental rights of every individual in Nigeria. See the following decisions on the point: *ODIONG v. ASST. IGP (2013) LPELR-20698(CA)*; and *OKONKWO v. EZEONU & ORS (2017) LPELR-42785(CA)*.

In the case of *Eric Chukwuemeka Igweokolo V. Mr. Marvel Akpoyibo & Ors (2017) LPELR-41882(CA)*, *Ogakuw JCA*, reading the lead judgment of the Court defined "torture" with the aid of dictionaries, to mean *“to intentionally inflict severe pain or suffering....the infliction of intense pain to the body or mind to punish, to extract a confession or information, or obtain sadistic pleasure”*. The

Respondent appears to have intentionally inflicted pain and suffering on the Applicant on the day in question.

In paragraphs 19 to 22 of his affidavit in support of this application, the Applicant stated as follows:

***“19. That my threatened arrest or likely arrest and detention by the 1st and 2nd Respondents based on instigation of the 3rd Respondent is a breach of my Fundamental Right to personal liberty, dignity of human person and freedom of movement as guaranteed by Sections 34, 35, and 41 of the 1999 Constitution.***

***20. That the 3rd Respondent using the instrumentality of the 1st and 2nd Respondents have vowed to humiliate and deal with me over an act which has no criminal connotation at all.***

***21. That my threatened arrest or likely arrest and detention will cause me untold sufferings as I will be subjected to degrading and/or dehumanizing treatment like a common criminal.***

***22. That I can no longer move freely as the 1st Respondent acting on the instruction of the 2nd Respondent and the instigation of the 3rd Respondent has continued to lay siege and surveillance over my House all in a bid to arrest and detain me and I am now living in fear.”***

The law is settled that the onus is on the person alleging a breach of his fundamental right to prove same by cogent and credible evidence which in my view the Applicant has done in the instant application. See ***FAJEMIROKUN v. COMMERCIAL BANK (CREDIT LYONIYAIS) NIG LTD & ANOR (2009) 5 NWLR (PT. 1135) 558 AT 600, 605 606, GUSAU & ORS. V. UMEZURIKE & ANOR (2012) LPELR - 8000 (CA)***. There was a clear violation of the Applicant’s right to the dignity of his person as guaranteed by ***section 34 of the Constitution***.

Next is on the infringement of the Applicant’s right to freedom of movement. ***Section 41(1) of the Constitution*** stipulates that every citizen of Nigeria is entitled to move freely throughout Nigeria. It is clear that the right to freedom of movement relates to all corners, nooks and crannies within Nigeria. Therefore it was a violation of the Applicant’s right to freedom of movement when the Respondents forcefully detained him for six days over a civil transaction.

In the case of ***OKAFOR v. LAGOS STATE GOVT & ANOR (2016) LPELR-41066 (CA)***, the Court of Appeal held that it was a violation of the Appellants right to freedom of movement when the Respondents arrested her, kept her for five

hours and prevented her from proceeding with her mission of going to buy drugs since she was not feeling well.

On the whole, I am satisfied that the Applicant has discharged the burden to prove that the Respondents breached his fundamental human rights as enshrined in the Constitution. In assessing the compensation payable to the Applicant, cognizance should be taken of the pain and suffering occasioned to the Applicant by deprivation of his personal liberty, freedom of movement as well as the indignity and emotional stress arising from the said detention. The amount to be awarded as compensation must reflect the abhorrence of society and the law for the violation of fundamental rights to personal liberty since personal liberty is a commodity of inherently high value. See the case of **ODOGU V. AG FEDERATION (1996) LPELR - (2228) 1 AT 15-16; IGWEOKOLO V. AKPOYIBO & ORS (2017) LPELR-41882 (CA); and GABRIEL JIM-JAJA VS. COMMISSIONER OF POLICE, RIVERS STATE & ORS. (2013) 6 NWLR (PART 1350) 225 at 245 F - H to 846.**

Sequel to the foregoing, the sole issue for determination is resolved in favour of the Applicant. I hold that the Applicant is entitled to the reliefs which he seeks in this application and they are granted as follows:

- 1) A declaration that the continuous threat of arrest or likely arrest and detention of the Applicant by the 1st and 2nd Respondents based on the prompting/instigation/insistence of the 3rd Respondent is ultra vires, outside the powers of the police, unlawful, unconstitutional and constitutes an infringement or threatened or likely infringement of the Applicant's Fundamental Rights to personal liberty, Right to freedom of movement and Right of dignity of human person as guaranteed by Sections 34, 35(1) and 41(1) of the Constitution of the Federal Republic of Nigeria, 1999 and Articles 5 and 6 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 2004;**
- 2) A declaration that the 3rd Respondent's act in wrongfully and maliciously instigating the 1st and 2nd Respondents to effect the arrest of the Applicant over an act which does not constitute a criminal offence in law is calculated to breach the Applicant's fundamental rights to personal liberty, right to freedom of movement and human dignity guaranteed under Sections 34, 35 and 41 of the Constitution of the Federal Republic of Nigeria, 1999;**
- 3) A declaration that the 2nd Respondent's continuous laying of siege and surveillance in/or over the Applicant's House in order to effect the arrest and detention of the Applicant is an infringement of the Applicant's right**

*to freedom of movement as guaranteed by Section 41(1) of the Constitution of the Federal Republic of Nigeria, 1999;*

- 4) An Order of perpetual injunction restraining the Respondents and their agents, servants or privies from arresting, harassing or threatening to arrest and detain the Applicant over or in respect of this matter or any other matter connected thereto; and*
- 5) N3, 000,000.00 (Three Million Naira) General Damages against the Respondents.*

*The Respondents shall pay the sum of N200, 000.00 (Two Hundred Thousand Naira) as costs for this Application.*

*Hon. Justice P.A. Akhiero*  
**JUDGE**  
*31/07/2025*

**COUNSEL:**

- 1. A.O. OSEMWEGIE Esq .....Applicant*
- 2. O. J. Musa Esq..... 1<sup>st</sup> and 2<sup>nd</sup> Respondents*
- 3. Unrepresented ..... 3<sup>rd</sup> Respondent*