



**ABIA STATE JUDICIARY, NIGERIA.**

OFFICE OF THE HONOURABLE,  
THE CHIEF JUDGE

JUDICIARY HEADQUARTERS COMPLEX  
IKOT EKPENE ROAD,  
UMUAHIA, ABIA STATE.

3rd June, 2020

**PRACTICE DIRECTION**

**HIGH COURT OF JUSTICE**

**ABIA STATE**

**PRACTICE DIRECTION**

**COMMENCEMENT**

In Exercise of the Power conferred upon me by Section 274 of the Constitution of the Federal Republic of Nigeria 1999 and by virtue of all powers enabling me in that behalf: I, **Honourable Justice Onuoha A.K. Ogwe**, Chief Judge of Abia State, hereby issue the following Practice Direction for the Abia State High Court.

**ARRANGEMENT OF SECTIONS:**

1. Applicability
2. Objective and Guiding Principle
3. Duty of the Defendant
4. Conduct of the Trial

**APPLICABILITY:**

1. This Practice Direction shall, save to the extent and as may otherwise be ordered by the Chief Judge of Abia State pursuant to Section 274 of the Constitution of the Federal Republic of Nigeria 1999 apply to all criminal trials in Abia State when it comes into operation.

1(1) This Practice Direction shall not apply to Part-Heard matters after the prosecution has closed its case.

**OBJECTIVE AND GUIDING PRINCIPLE:**

2. The purpose of this Practice Direction is to expedite the trial of criminal cases by eliminating the delay occasioned in the proceedings by stopping the substantive proceedings and conducting a trial within trial when the

Defendant raises objection to the admissibility of a confessional statement on the ground that same was not obtained voluntarily.

**DUTY OF THE DEFENDANT:**

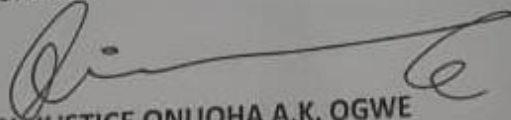
- 3(1) Where a Defendant is desirous of objecting to the admissibility of a confessional statement in any criminal proceedings on the ground that same was not obtained voluntarily, he shall not later than fourteen (14) days after the service on him of the charge or information or at such later date as the Court may permit, cause to be filed and served on the Prosecution, a notice (as in Form 01 in the Schedule hereto) that he intends to object to the admissibility of the confessional statement in the course of the trial, on the aforesaid ground.
- 3(2) Form 01 in the schedule shall be included in the proof of Evidence for the use of the Defendant to ensure uniformity in compliance.
- 3(3) The Defendant shall in all interlocutory applications made by him in the proceedings, state whether the aforesaid requirement applies to the proceedings and if so, whether he has complied with same.

**CONDUCT OF THE TRIAL:**

- 4(1) When a Defendant raises objection to the admissibility of a confessional statement on the ground that it was not voluntarily obtained, the Prosecution witnesses and or adduce evidence to prove that the said statement was obtained voluntarily.
- (2) The Defendant shall then during his defence and as part of his defence, call witnesses and or adduce evidence to prove that the confessional statement was not obtained voluntarily.
- (3) The parties shall thereafter include legal arguments with respect to the admissibility or otherwise of the confessional statement in their final addresses and the Court shall in the final judgment in the matter include its ruling on the admissibility or otherwise of the said confessional statement.

Made this 3rd day of June, 2020.

SIGNED:



HON. JUSTICE ONUOHA A.K. OGWE  
CHIEF JUDGE  
ABIA STATE