

IN THE MAGISTRATE'S COURT OF IMO STATE OF NIGERIA
IN THE OWERRI MAGISTERIAL DISTRICT
HOLDEN AT OWERRI
BEFORE HIS WORSHIP O.I. NJEMANZE CHIEF MAG. GDI
TODAY THURSDAY THE 25TH DAY OF SEPTEMBER, 2025.

OW/480c/2025

COMMISSIONER OF POLICE

VS.

CHINEDU AGU

Defendant present.

APPEARANCES:- F.O. Itua Esq O/c Legal with Peter Abel Esq, Obodo Samson Esq, Francis Odu Esq, M.O. Onwuegbule Esq, Bright Andrew Esq, Kingsley Ngere Esq and Joy Chris Esq, B.C. Iwu Esq and P.U. Nze Esq for the prosecution.

M.O. Nlemedim Esq with D.O. Nosike Esq Vivian Onyenwere Esq, O.O. Okonkwo Esq, J.S.C. Ofuebi Esq, U.D. Ihegbu Esq, I.K.Ujeh Esq for the defendant.

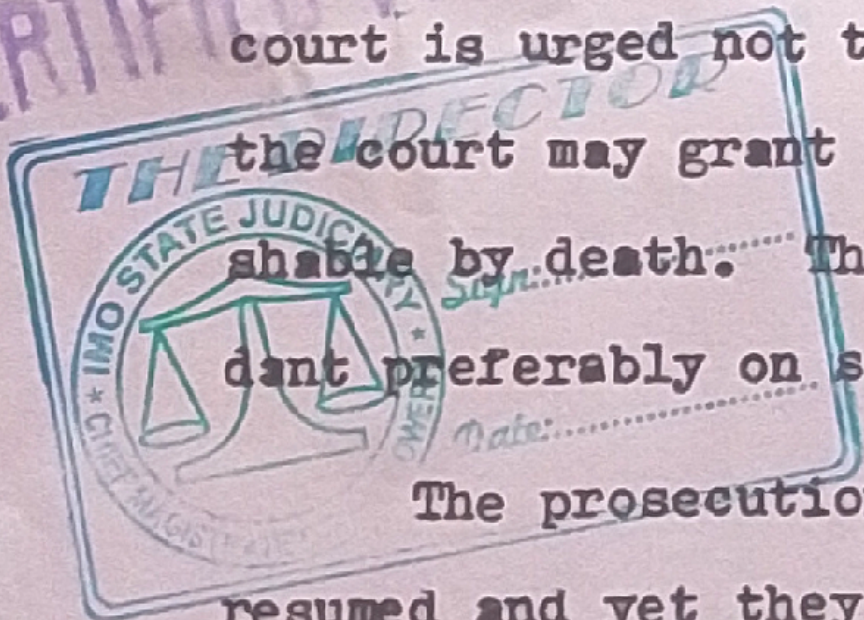
The prosecutor applies to withdraw Count 4 of the charge and prays it be struck out. No Objection raised by the defendant.

Count I Upon the application of the prosecution, Count 4 is hereby struck out.

The charge is read out to the defendant who understands same.

The prosecutor submits that the offences as charged, the Honourable Court lacks jurisdiction to try same. As such, he requests that the defendant be remanded in line with section 223(2)(a) ACJL, Imo State Law No.2, 2020 at the Owerri Correctional Centre, Owerri. He also applies that the case file be transferred to the office of the D.P.P. Imo State, for legal Advise. The form 27 is filed along with CA affidavit in support. The court is urged to grant the application.

M.O. Nlemadim Esq for the defendant urge the court to refuse the application for a remand. He submits that there is no basis for the application as no foundation was presented to the court to warrant the grant of the application. The prosecution placed ~~relevance~~ in section 223 of the Imo ACJL which is not applicable with the instant case. It is converted that the court has no jurisdiction in respect of an offence charged under the Cybercrime prohibition prevention etc) Amendment Act, 2024. It is submitted that even where a proper application for remand is sought, the court can still rely on section 225 of the ACJL to grant bail. The defendant is already on administrative bail by the police which was granted to him on self recognizance on the 17th September, 2025. As such, the application for a remand is made in bad faith. The defendant is a lawyer with his law office in Owerri and there is no reason for him to jump bail. The application for a remand is an abuse of the courts process and the court is urged not to countenance same. Under section 93(2) ACJL, the court may grant bail. Where the offence charged is not punishable by death. The court is urged to grant bail to the defendant preferably on self recognizance.



The prosecution is aware that the Federal High Court has resumed and yet they arraigned the defendant before this court to secure a remand. Bamaayi Vs. The State (2001) 8 NWLE (Pt. 715) pg. 270 is relation. The defendant is also presumed innocent until the contrary is proven. See - section 36(s) C.F.R.N. 1999 (amended). Where the court decides to grant bail, the defendant also has sureties to take him on bail where - self recognizance is not granted. The court is urged to refuse the application for a remand as it has no basis in law.

The prosecution opposes the application made by defence counsel.

R U L I N G

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The defendant is charged for offences under the Cybercrime - (prohibition, prevention etc.) Amendment Act, 2024. By the provisions of section 50 of the said law, jurisdiction to try the offences charged rests on the Federal High Court. As such, this court lacks the jurisdiction to try the charge before it. Both the prosecution and the defence are in agreement with regards, the issue of jurisdiction.

The issue presently is the application made by the prosecution to remand the defendant under the provisions of section 223, 224 of the Administration of Criminal Justice law No. 2, 2020 Imo State. The defence counsel opposes the application as he says by the provisions of section 225 of the said law, the court may grant bail, regardless of the issue of jurisdiction. It is also argued that the Defendant was granted administrative bail by the police before his arraignment. The defendant is presumed innocent until the contrary is proven. Also the prosecution ought to have arraigned the defendant before the Federal High Court and not before this court. As such, the court is urged to grant bail to the defendant amongst other refuse given discountenance the application for a remand.

I have considered the application for a remand of the defendant as well as that seeking he be admitted to bail. As earlier stated, the Federal High Court by the provisions of section 50 of the Cybercrime (prohibition, prevention etc) - Amendment Act, 2024 has original jurisdiction to try the offence charged. This court can not go into the merits or demerits of the charge brought before it, but has noted that the defendant was produced from custody today. As such, the argument that he is on administrative bail by the police can no longer be said to be in effect. No reason was given to this court for that development save to say, the arguments will be better heard and decided at the Federal High Court seised

WKS

with jurisdiction.

As such, this court shall defer the matter of bail to be taken at the Federal High Court that has jurisdiction. The application for bail is hereby refused, the defendant is ordered to be remanded at the Owerri Correctional Services Centre, Owerri. The original Case file is to be retrieved and sent to the office or the D.P.P. for their Legal advice.

This charge is adjourned to 29th October, 2025 for report/ Compliance.


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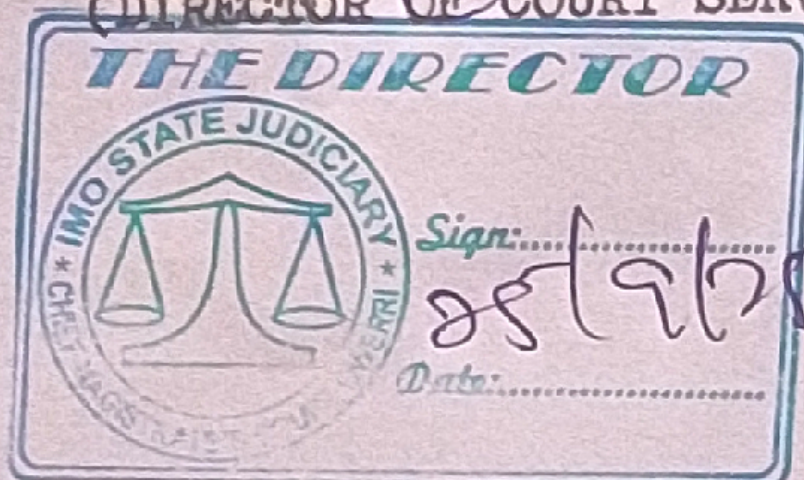
O.I. NJEMANZE

CHIEF MAG. GDI

25/9/2025.

CERTIFIED TRUE COPY


KECHI LINUS ELEAZU (MRS)
(DIRECTOR OF COURT SERVICES).



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25-9-2025