

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on Election petition.

FACTS:

This is an appeal against the decision of the Makurdi Division of the Court of Appeal, which dismissed the appeal filed by the appellant against the judgment of the Nasarawa State Governorship Tribunal.

On 11 April, 2015, the third respondent conducted Governorship election in Nasarawa State. The appellant sponsored the fourth respondent as its candidate in the said election. On his part, the first respondent was the candidate of the second respondent. At the conclusion of the said exercise, the third respondent declared the first respondent the winner of the election. Aggrieved, the fourth respondent and the appellant filed a joint petition, and claimed, inter alia, the following reliefs: (1) That it may be determined and doth declared that all the lawful votes recorded for the first respondent by the third respondent as reflected in the analysis in the tables 1 17, be declared null and void; (2) That it may be determined and doth declared that all the lawful votes scored by the petitioners but wrongly cancelled, or not recorded as indicated in the tables 1 17, be added to the petitioners' total scores; (3) That it may be determined and doth declared that based on the lawful votes cast at the said election, the petitioners ought to have been returned as the Governor of Nasarawa State having satisfied the requirements of the Electoral Act, 2010 (as amended) and the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

In its judgment, the trial Tribunal dismissed the petition in its entirety. Dissatisfied, the petitioners appealed to the Court of Appeal, which dismissed the said appeal. Appellants appealed to the Supreme Court.

ISSUES:

The Court determined the appeal on the following issues:

1. Whether having regard to extant judicial practice, it is still appropriate to hold (as the Court below did) that documents referred to in frontloaded witness statements on oath duly adopted can be said to be 'dumped' on any Tribunal or Court?
2. Whether the learned justices of the Court below had good reason to affirm the judgment of the Tribunal dismissing the case made by the appellants as a joint petitioner?

3. Whether the Court below was right when it held that the appellant had conceded the right of INEC, the third respondent, to create voting points with equal status as polling units merely because of the publication/issuance of the manual for the questioned election, together with the guidelines for the said election and coupled with the alleged admission of witnesses called by the appellant as joint petitioners in their evidence-in-chief?

4. Whether the Court below was right when it held that though the Tribunal was wrong to have struck out the paragraphs of the appellants' reply to the respondents' reply, it couldn't have occasioned any miscarriage of justice because the Tribunal considered the said paragraphs struck out in resolving the issues?

DECISION/HELD:

Finally, the Court dismissed the appeal and affirmed the concurrent decisions of the trial Tribunal and the Court of appeal on the due election and due return of the first respondent, Alhaji Umaru Tanko AlMakura, as the Governor of Nasarawa State.