

EVIDENCE

EVIDENCE – HEARSAY – WHAT AMOUNTS TO – SUBRAMANIAM V PROSECUTOR 1965 1 WLR 965; STATE V OGBOLU 1972 ECSR 438; AKINGBOYE V SALISU 1999 7 NWLR Pt. 611 434; OMO V JSC 2000 80 LRCN 2566; 2000 12 NWLR 444; OLALEKAN V STATE 2001 92 LRCN 3385.

EVIDENCE – UNREGISTERED [LAND INSTRUMENT](#) – An unregistered land document is not admissible in evidence – ITAUMA V AKPA-IME 2000 80 LRCN 2480.

EVIDENCE – UNCHALLENGED EVIDENCE OF [WITNESS](#) COURT BOUND TO ACT ON IT IF CREDIBLE - OFORLETE V STATE 2000 80 LRCN 2670; BELLO V IWEKA 1981 1 S.C 101; M.T.A. & SONS V F.H.A 1991 8 NWLR Pt. 209, 295, 313; AZEEZ V STATE 1986 2 NWLR Pt. 23 541; BROADLINE ENT. LTD V MONTEREY MARITIME CORP 1995 33 LRCN 640; 1995 9 NWLR Pt. 417 1, 27.

EVIDENCE – ORAL EVIDENCE IN RELATION TO DOCUMENT – Oral evidence is admissible to throw light – A.G. OYO STATE V FAIRLAKES HOTEL LTD 1089 5 NWLR Pt. 121 255; EHOLOR V OSAYANDE 1992 6 NWLR Pt. 249 524; YOUNG JACK V WHYTE 2001 85 LRCN 845.

EVIDENCE – SECONDARY EVIDENCE – ENTRY IN BANKERS BOOK – FORM – INTERNATIONAL BANK V IMANO 2001 85 LRCN 995.

EVIDENCE – INADMISSIBLE EVIDENCE – PARTY CONSENTED TO IT AT TRIAL – OBJECTION ON [APPEAL](#) – Where a party consents to an

irregular procedure at the trial, he cannot complain on [appeal](#) unless he in fact suffered injustice – INTERNATIONAL BANK V IMANO 2001 85 LRCN 995

EVIDENCE – DOCUMENT PLEADED – ADMITTED BY OTHER PARTY – NEED TO TENDER SAME – There may be need to tender same to enable the court interpret or to prove the contents – ASAFA FOODS V ALRAINE NIG 2002 99 LRCN 1517.

EVIDENCE – NOT CHALLENGED – It is open to the court to act on it – ASAFA FOODS supra.

EVIDENCE – FACTS NOT [PLEADED](#) – Evidence of facts not pleaded, goes to no issue – EMEGOKWE V OKADIGBO 1973 4 S.C. 113; AJUKWARA V IZUOJI 2002 100 LRCN 1699.

EVIDENCE – DOCUMENT TENDERED AND REJECTED – Should be marked “Tendered and Rejected” 2001 88 LRCN 2293.

EVIDENCE – PUBLIC DOCUMENT – INTELLIGENCE REPORT – Intelligence Report is a public document under S.109 Evidence Act. NTEOGWUILE V OTUO 2001 88 LRCN 2357.

EVIDENCE – ORAL EVIDENCE – ADMISSIBILITY IN RELATION TO DOCUMENT – Oral evidence is admissible where it will throw light upon or assist the court to determine the probative value of a document – A.G. OYO STATE V FAIRLAKES HOTELS LTD 1989 5 NWLR Pt. 121, 255; YOUNG JACK V WHYTE 2001 85 LRCN 845.

EVIDENCE – ORAL EVIDENCE OF [COMPANY](#) RESOLUTION – Minutes of the resolution of a company are not exclusive evidence. Oral evidence of such resolutions is admissible – NSIRIM V ONUMA CONSTRUCTION CO. 2001 85 LRCN 974.

EVIDENCE – DOCUMENTARY – INADMISSIBLE – PARTY CONSENTED – WHETHER CAN OBJECT ON [APPEAL](#) – FACTORS TO CONSIDER – INTERNATIONAL BANK V IMANO 2001 85 LRCN 995.

EVIDENCE – UNCHALLENGED – Court can act on it – INTERNATIONAL BANK V IMANO supra.

EVIDENCE – ADMISSIONS NOT CONCLUSIVE PROOF – See [ADMISSIONS](#).

EVIDENCE – SECONDARY EVIDENCE – [BANKERS BOOK](#) – NARINDEX TRUST V I.M.B LTD 2001 86 LRCN 1291.

EVIDENCE – TRADITIONAL CONFLICT IN – HOW RESOLVED - KOJO II V BONSIE 2001 86 LRCN 1492.

EVIDENCE – [STATEMENT OF WITNESS](#) – ADMITTED AS [IDENTIFICATION](#)-Cannot be used to [contradict](#) the witness – HAUSA V STATE 1994 6 NWLR Pt. 350 281 at 287.

EVIDENCE – DOCUMENT ADMITTED AS ‘ID’ – The contents are not evidence. Court cannot act on the document – ANOKWU V COP 1975 I NMLR 402; LAYONU V STATE 1967 I ANLR 210; HAUSA V STATE 1994 6 NWLR Pt. 350 281 at 289 – 290.

EVIDENCE – SECONDARY EVIDENCE – PUBLIC DOCUMENT – Only certified true copy is admissible – ARAKA V EGBUE 2003 111 LRCN 1844 at 1846.

EVIDENCE –EVIDENCE OF HANDWRITING EXPERT -May be dispensed with in Criminal Case - AKINBISADE V STATE (2006) 141 LRCN 2194