

**IN THE CHIEF MAGISTRATE COURT OF RIVERS STATE, NIGERIA
IN THE RUMUODOMAYA MAGISTERIAL DISTRICT
HOLDEN AT RUMUODOMAYA**

**BEFORE HIS WORSHIP B.H. ABE (MRS), ESQ., SITTING AT THE CHIEF
MAGISTRATE COURT 1, RUMUODOMAYA ON FRIDAY THE 27TH DAY OF
MARCH, 2026**

RMC/SCC/8 & 9/2025

BETWEEN

**MR. FRANCIS WALI
(TRADING UNDER THE NAME AND STYLE
OF DE FRANKTEX INTEGRATED SERVICES)**

CLAIMANT/RESPONDENT

VS

**1. MR. OGBUERI PRINCE CHINONSO
2. EZE (DR.) S.A. OGBUERI**

**DEFENDANTS/
APPLICANTS**

Matter for Ruling

RULING

Facts

On the 11th February 2026, in the course of cross examination of DW1 by the Claimant's Counsel, Amadi Agochi, Esq, he sought to tender the bank statements of the claimant through DW1 in evidence showing transfers to the defendant by the claimant.

The defense counsel however objected on the ground, that the documents emanating from the bank, bank statements of the claimant, should be tendered by the Claimant or an officer of the bank, that there are no set of facts linking the defendant to the account of the claimant. The documents are only admissible when tendered by the maker of the documents, the court should mark the documents as inadmissible!!

The claimant's Counsel objected submitting that the documents are relevant and admissible, relevancy being the hallmark of admissibility, relying on case laws and statutory authorities as provided on record.

The defense also responded on points of law.

The Court adjourned to determine if the documents could be tendered through DW1 as Evidence in this case?

Issue for determination

Whether the Court can admit the said documents being the bank statements of the claimant in evidence through DW1?

COURT

Yes, a bank statement can be tendered through a witness who is not the account holder, but there are important legal principles and practical safeguards to observe under Nigerian law:

- A bank statement is considered documentary evidence.
- Under the Evidence Act (Cap E14 LFN 2011, Sections 84–88), documentary evidence may be proved by any person who can authenticate it.
- The owner of the account is the most natural person to authenticate it, but a bank employee or another witness with knowledge of the account or the document can also testify to its authenticity.

A bank officer (manager, cashier, or record officer) can tender the statement as a business record.

Requirements under Sections 85 - 87 Evidence Act:

- i. The statement was made in the ordinary course of business;
- ii. The statement was made at or near the time of the transactions;
- iii. The witness must be able to confirm the document's authenticity and its source.

This is the usual practice in Nigerian courts, also through Another Witness (e.g. Solicitor, Agent), if the witness is neither the account holder nor a bank employee, they cannot generally authenticate the statement unless they have direct knowledge of its source or origin.

Example: A solicitor who received the statement directly from the bank may testify about how it was obtained, but cannot attest to its correctness without supporting evidence from the bank.

Authentication Requirements

To tender a bank statement through a non-owner witness, the witness must establish:

1. Source: That the document came from the bank.
2. Custody: That the document has been kept safely and is unaltered.
3. Reliability: That the document was created in the ordinary course of business.

Courts will often mark it as “admitted subject to proof” if authenticity is challenged, meaning the account holder or bank official may still need to testify to prove correctness.

Acceptable: Bank officer (e.g., branch manager) testifies: “This is a true copy of the bank statement of A. B. for January - March 2026, produced from the bank’s records in the ordinary course of business.”

Less acceptable: Friend, colleague, or lawyer of the account holder tries to tender it without proof of origin, the court may refuse admission or require the bank’s confirmation.

Yes, a non-owner can tender a bank statement if they can authenticate it properly (usually a bank employee).

No, a casual third party cannot simply tender it; the court will require evidence that it is genuine and from the bank.

1. Bank Statements & Authentication

Okonkwo vs. First Bank of Nigeria Plc (2001) 9 NWLR (Pt. 715) 210 SC. The Supreme Court held that bank statements are admissible as business records, even when tendered through a bank employee rather than the account holder, provided the witness can authenticate them as true records of the bank.

U.B.N. Plc vs. Akinyele (2005) 16 NWLR (Pt.945) 101. Affirmed that a bank employee or officer can tender the bank statement as an authentic record in court, in line with sections 84 -87 of the Evidence Act.

2. General Documentary Evidence Principles

Agbon vs. FBN Ltd (2007) 12 NWLR (Pt.1050) 45. Document created in the ordinary course of business is admissible, and the person tendering it must prove its authenticity.

Sections 84 - 87, Evidence Act, Cap E14 LFN 2011. Documentary evidence from business records may be proved by someone with knowledge of its creation or custody.

Allows tender through bank officers or custodians, not strictly the owner.

If tendering through a non-owner, ensure:

- i. The witness works at the bank or has custody of the document;
- ii. The document was produced in the ordinary course of business;
- iii. There is direct knowledge or record verification to authenticate it.

Cases such as Okonkwo vs. First Bank and U.B.N. vs. Akinyele establish that the owner's personal testimony is not strictly necessary, provided the document is properly authenticated.

Accordingly, the bank statements of the claimant sought to be tendered via Dw1 who is not the maker of the document, not a bank employee with access to that account and does not have knowledge of the account of the claimant, cannot testify to the authenticity of the documents, wherefore the documents cannot be tendered through Dw1

Consequently, the documents sought to be tendered are hereby rejected as being inadmissible.

This is the ruling of the Court.

MRS. BARIYAAH .H. ABE
Chief Magistrate
27th March, 2026.

