

IN THE GOVERNORSHIP ELECTION PETITION TRIBUNAL
HOLDEN AT OSOGBO
OSUN STATE

ON FRIDAY, THE 27TH DAY OF JANUARY, 2023

BEFORE THEIR LORDSHIPS:

| | | | |
|---------------------------|---|---|----------|
| HON. JUSTICE T. A. KUME | - | - | CHAIRMAN |
| HON. JUSTICE B. A. OGBULI | - | - | MEMBER 1 |
| RABI BASHIR (CM) | - | - | MEMBER 2 |

PETITION NO: EPT/05/GOV/01/2022

BETWEEN:

| | | |
|-----------------------------------|---|-------------|
| 1. ADEGBOYEGA ISIAKA OYETOLA | } | PETITIONERS |
| 2. ALL PROGRESSIVE CONGRESS (APC) | | |

AND

| | | |
|---|---|-------------|
| 1. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) | } | RESPONDENTS |
| 2. ADELEKE ADEMOLA JACKSON NURUDEEN | | |
| 3. PEOPLE DEMOCRATIC PARTY (PDP) | | |

JUDGMENT (Delivered by Honourable Justice Tertsea Aorga Kume):

On the 16th day of July, 2022, the 1st Respondent conducted Governorship election in Osun State. The 1st Petitioner was a candidate at the said election, under the sponsorship of the 2nd Petitioner.

The 2nd Respondent contested the said Governorship election under the platform of the 3rd Respondent. Other political parties also sponsored candidates at the said election.

At the conclusion of voting at the various Polling Units in Osun State, the 1st Respondent declared and returned the 2nd Respondent as the duly elected



candidate at the election, and, was returned as the Governor of Osun State on the 17th day of July, 2022.

Aggrieved by the declaration and return of the 2nd Respondent as the Governor of Osun State, the Petitioners have filed this petition on the 5th day of August, 2022.

The grounds of the petition are contained in paragraph 19 of the petition, which read as follows:

"19. The Petitioners state that the Grounds upon which this Petition is based are as follows:

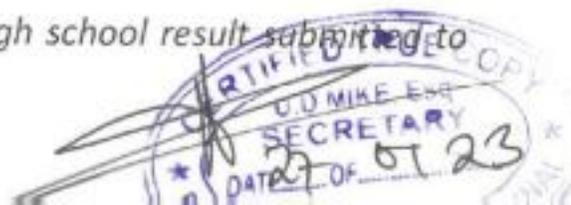
- (a) The 2nd Respondent was, at the time of the election, not qualified to contest the election;*
- (b) The 2nd Respondent was not duly elected by majority of lawful votes cast at the election.*
- (c) The election of the 2nd Respondent was invalid by reason of non-compliance with the provisions of the Electoral Act 2022."*

See page 4 of Vol. 1A of the petition.

The facts supporting the grounds of the petition are pleaded in paragraphs 20 – 68 of the petition. See Vol. 1A thereof.

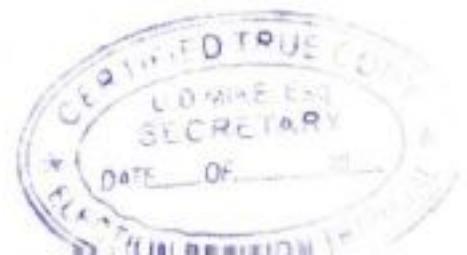
The said grounds are as follows:

- "a. The 2nd Respondent did not possess the educational qualification to contest the election to the office of Governor of Osun State held on Saturday, 16th day 2022 conducted by the 1st Respondent.*
- b. The 2nd Respondent has also previously in 2018 submitted forged certificate to the 1st Respondent herein along with his Form C.F.001 and also presented false documents to the 1st Respondent for the contest of the 2022 governorship election. The 2nd Respondent's study in any university is predicated on his high school result submitted to*



the 1st respondent in 2018 and he did not go through the educational programme for the duration of time stipulated in the curriculum of the institution.

- c. Notwithstanding the foregoing, the 2nd Respondent, in his form EC9 declared falsely on oath that all the answer, facts and particulars" he gave in the form are "true and correct" and that he "fulfilled all the requirements for qualification for the office" he sought to be elected.
- d. All the votes recorded for the 2nd and 3rd Respondents on Saturday, 16th July, 2022 in the Osun State Governorship Election and the results declared by the 1st Respondent on Sunday, 17th July 2022 in respect thereof are wasted votes in that the 2nd Respondent was not qualified to contest the said election in the first place.
- e. The 1st Respondent is obliged to comply with the mandatory provisions of the Electoral Act which provide that for any person to vote, the Presiding Officer shall use a smart card reader or any other technological device as may be prescribed by the 1st Respondent for the accreditation of voters, to verify, confirm or authenticate the particulars of the intending voter in the manner prescribed by the 1st Respondent.
- f. In the counting of votes cast at the polling unit and the collation of the results of the election it is the number of accredited voters recorded and transmitted directly from polling units and the votes or results recorded and transmitted directly from polling units that should be taken into account.
- g. The total numbers of votes as well as number of accredited voters recorded in the respective Forms EC8A for those polling units on the one hand do not tally with the numbers of accredited and verified voters on the record of the Bimodal Voter Accreditation System (BVAS) for the same polling units."



The Petitioner therefore sought the following reliefs, namely:

"72 **WHEREOF** the Petitioners pray jointly and severally against the Respondents as follows:-

- a) That it may be determined that at the time of the Osun State Governorship election of 16th July, 2022, the 2nd defendant was not qualified to contest the said election.
- b) That it may be determined that all the votes recorded for the 2nd respondent in the said election are wasted votes as a result of the non-qualification of the 2nd respondent.
- c) That it may be determined that on the basis of the remaining votes after discounting the votes recorded for the 2nd respondent, in the said election the 1st petitioner has a majority of lawful votes and has satisfied the constitutional requirement by obtaining the required spread, that is, 25% of votes in each of at least two thirds (2/3) of all the local government areas of Osun State.
- d) That it may be determined that the votes recorded and/returned in 749 polling units in the following Local Government Areas, namely Ede North (101 Polling Unit); Ede South (19 Polling units); Egbedore (55 Polling Units); Ejigbo (58 Polling Units); Ila (56 Polling Units); Ilesha West (67 Polling Units); Irepodun (48 Polling Units); Obokun (36 Polling Units); Olorunda (103 Polling Units); and Osogbo (147 Polling Units) did not represent lawful votes cast in the said polling units in the said Local Government Areas in the Osun State Governorship election held on 16 July, 2022 and as having been obtained in vitiating circumstances of substantial non-compliance with mandatory provisions of the Electoral Act, 2022.



- e) *That it may be determined that the 2nd Respondent was not duly elected by a majority of lawful votes cast in the Osun State Governorship election held on 16 July, 2022 and, therefore, the declaration and return of the 2nd Respondent by the 1st Respondent as the Governor of Osun State are unlawful, undue, null, void and of no effect.*
- f) *That it may be determined that the 1st Petitioner was duly and validly elected and ought to be returned as Governor of Osun State, having polled the highest number of lawful votes cast at the election to the office of the Governor of Osun State held on Saturday, 16th July, 2022 and having satisfied the constitutional requirements for the said election by obtaining the required spread, that is by obtaining 25% of votes in at least two-thirds (2/3) of all the local government areas of Osun State.*
- g) *That the 1st Petitioner be declared validly elected or returned in the said election.*
- h) *An order directing the 1st Respondent to issue a Certificate of Return to the 1st Petitioner as the duly elected Governor of Osun State.*
- i) *An order declaring null and void the Certificate of Return wrongly issued to the 2nd Respondent by the 1st Respondent.*

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- j) *That the said election under reference was vitiated by substantial non-compliance with the mandatory statutory requirements which substantially affected the validity of the said election that none of the candidates in the said election can be validly returned as having won the said election.*



- k) *That the Osun State Governorship election held on July 16th 2022 is void on the ground that the election was not conducted substantially in accordance with the provisions of the Electoral Act, 2022.*
- l) *That the Osun State Governorship election held on July 16th 2022 be nullified or cancelled and 1st Respondent be directed to conduct a fresh election to the office of the Governor of Osun State.*
- m) *Costs of this Petition."*

The petition and the accompanying processes were served on each of the Respondents.

The 1st Respondent filed a reply to the petition on the 23rd day of August, 2022. The reply of the 1st Respondent, denied in material particular the grounds of the petition, and the facts upon which the said grounds were based. In addition, the reply of the 1st Respondent was accompanied with preliminary objections which were argued at the pre-hearing session, and rulings thereon reserved to be determined along with the petition.

The 2nd Respondent, on his part, filed his reply to the petition on the 9th day of September, 2022. He accompanied the said Reply with a preliminary objection, which was considered during the pre trial session and ruling reserved, to be considered along with the judgment in the petition.

The 3rd Respondent filed her reply to the petition on the 23rd of August, 2022, and included therein, a notice of preliminary objection in accordance with the provisions of the Electoral Act, 2022.

Both the 2nd and 3rd Respondents, like the 1st Respondent denied in material particular the grounds of the petition, and facts upon which the said petition is predicated upon.



The Petitioners' Reply to the 1st Respondents' reply was filed on the 31st day of August, 2022; the Petitioners' Reply to the 2nd Respondent reply was filed on the 16th day of September, 2022; while the Petitioners' Reply to the 3rd Respondent reply was filed on the 31st day of August, 2022. In the said Replies of the Petitioners to the Respondents Replies, the Petitioners also filed responses to the preliminary objections filed by the Respondents.

Specifically, the applications filed by the Respondents were EPT/OS/GOV/01/M.12/2022 filed by the 1st Respondent; EPT/OS/GOV/01/M.6/2022 and EPT/OS/GOV/01/M.14/2022 filed by the 2nd Respondent; and, EPT/OS/GOV/01/M.10/2022 with EPT/OS/GOV/M.13/2022 filed by the 3rd Respondent.

The said applications challenged certain paragraphs of the petition, and the jurisdiction of the Tribunal to determine the petition by reason of the competence of the 1st Petitioner as a candidate in the said elections of 16/7/2022.

During the pre trial hearing, parties filed their respective forms TF0081 and answers to pre hearing questions, and, the pre hearing session conducted. Learned counsel for the parties filed issues for determination during the pre trial hearing session. The said issues for determination were adopted by the parties along with the other processes filed for the parties.

As earlier stated, learned counsel for the parties moved their various applications, for which, ruling thereon would be delivered alongside the judgment in the petition. The pre trial hearing schedule order was thereafter made on the 17th day of October, 2022.

The Petitioners called Pw1 Isiaka Olarenwanju, whose evidence is contained on pages 537 – 658 of claim in the petition. He is identified with the acronym IOSTA, and Pw2, Adeosun Rasaki, whose Statement on Oath is contained on pages 151 – 225 of volume 1A of the petition, and, identified with the acronym PSCA. He also made additional Statements on Oath on the 31st day of August, 2022 and 16th day of September, 2022 respectively. The said additional Statements on Oath



were in response to the reply of the 1st and 3rd Respondents respectively to the petition.

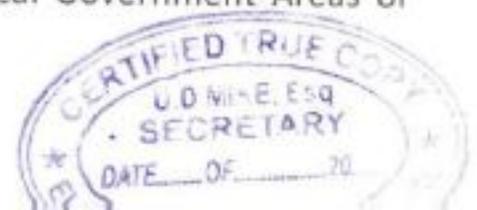
Before the Pw1 and Pw2 adopted their Statements on Oath as their evidence in this petition, learned counsel for the Petitioners, Prince Lateef Fagbemi SAN, had applied and tendered schedule of documents. They were admitted and marked as exhibits SCH1, SCH2 and SCH3 respectively.

The said exhibits SCH1, SCH2 and SCH3 contained the various necessary and mandatory forms used by the 1st Respondent in the election of 16/7/2022. Also tendered and admitted was the Bimodal Voter Accreditation System Report (hereinafter in this judgment known as BVAS) in evidence as exhibit BVR. The payments for certification of the said exhibits were also admitted in evidence, and marked accordingly.

Thereafter, Pw1 and Pw2 adopted their sworn Statements on Oath as their evidence in the petition.

The substance of their evidence runs thus:

The 2nd Respondent, at the time of the election of 16/7/2022 was not qualified to contest the said election, and that he has committed forgery in respect of the School Certificates he presented to 1st Respondent as his qualification in the said election. The evidence is on ground 1 of the petition. Exhibit CF9 Series and FILE D are relied on for the said evidence. For the purpose of grounds 2 and 3 of the petition, it is the evidence of the witnesses that there was over voting in favour of the 2nd Respondent to the said election, by reason of which the said return and declaration in favour of the 2nd Respondent is not in accordance with the Electoral Act (Supra) and the extant regulations governing the conduct of elections, and as such, the said declaration and return should be set aside and the 1st Petitioner who scored a majority of lawful votes at the said election should be declared and returned as the duly elected Governor of Osun State in the election held on 16/7/2022. The evidence in respect of grounds 2 and 3 of the petition relates to 749 Polling Units in 10 Local Government Areas of



Osun State. The said Local Governments are Ede North with 101 Polling Units; Ede South, with 91 Polling Units; Egbedore, with 56 Polling Units; Ejigbo, with 58 Polling Units; Ila, with 56 Polling Units; Ilesha West, with 67 Polling Units; Irepodun, 48 Polling Units; Obokun, with 36 Polling Units; Olorunda, with 103 Polling Units and Osogbo, with 147 Polling Units.

Learned counsel for each of the Respondents, cross examined Pw1 and Pw2 on their evidence.

Learned counsel for the Petitioner subpoenaed, and the 1st Respondent produced exhibit FILE D.

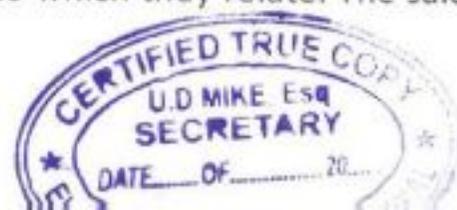
The Petitioners thereafter closed their case.

The 1st Respondent, on her part, also tendered and schedules were admitted and marked as exhibits R.SCH1, R.SCH2, R.SCH3 and R.SCH4. The BVAs Machines, numbered 1-744 of 16 pages were admitted as exhibit R.BVM. The schedule of BVAs Machines with 6 items was admitted and marked as exhibit R.BVM1.

Learned counsel for 1st Respondent, Prof. Ananaba SAN, tendered, and BVAs accreditation report as at 22/8/2022 was admitted and marked as exhibit R.BVR. The Certificate of Compliance with the Evidence Act, (Supra) was admitted and marked as Exhibit R.CER. The payment receipt for certification of Exhibit R.BVR was admitted as exhibit R.REC and the remita receipt as exhibit R.REMT.

At that stage, 1st Respondent called her lone witness, Rw1, Mrs. Abimbola Olajungaye, a deputy Director in the ICT department of the 1st Respondent. Her Statement on oath is on pages 352 to 724 of volume 2 of the record filed by the 1st Respondent.

The BVAs Machines, which are 976 in number in boxes were examined by learned counsel for the parties and thereafter tendered by learned counsel for the 1st Respondent. The Tribunal marked the said boxes with the BVAs Machines in accordance with the 10 Local Government Areas to which they relate. The said



markings are in the record of the Tribunal in the proceedings conducted on the 21st day of December, 2022.

The evidence of RW1, in a nutshell is that she had received a request for the physical inspection of the BVAs Machines and she honoured the said request. Exhibits RWA, RWB and RWC were tendered through RW1 by learned counsel for the 2nd Respondent, Dr. Ikpeazu SAN during cross examination of RW1. RW1 stated under cross-examination by learned counsel for the 2nd Respondent when exhibit RVR was issued, that, the 1st Respondent had not synchronized the result of the election of 16/7/2022 with the back end server and the physical extraction of the date from the BVAs Machines, when exhibit BVR was issued and given to the Petitioners.

In respect to a question under cross examination from learned counsel for the 3rd Respondent, Dr. Izinyon SAN, RW1 answered that exhibit R.BVR 1 – 129 supercedes exhibit BVR because exhibit BVR was unsynchronized. Under cross examination by learned counsel for the Petitioners, Chief Olujinmi SAN, RW1 admitted signing both exhibits BVR and R.BVR and that there is a certificate affirming the accuracy of both exhibits.

The other material evidence, under cross-examination of RW1 would be referred to in the course of this judgment.

The 1st Respondent thereafter closed her case.

Learned counsel for the 2nd Respondent, Dr. Ikpeazu SAN, applied and tendered various forms EC8A Series, EC8B Series, which were admitted in evidence and marked accordingly. The schedule of the said documents were admitted and marked as exhibits 2R.SCH1 and 2R.SCH2 respectively.

The 2nd Respondent, then called the evidence of RW2, Samuel Oduntan, a statistician and forensic examiner, whose evidence is on pages 341 – 395 of volume 11 of the record of the 2nd Respondent, and that of Mr. Samuel Atanda Bunmi Jenyo, as RW3, whose evidence is on pages 334 – 340 of volume 2 of the record of the 2nd Respondent.



The evidence of RW2 is that he did a forensic examination of the various forms used in the election with physical examination of the BVAs Machines deployed for that purpose, and discovered over voting in only 6 Polling Units, and not 749 Polling Units alleged by the Petitioners. The evidence of RW3 is that he is a personal assistant of the 2nd Respondent, by virtue of which, he has been entrusted with the educational certificates of the 2nd Respondent, which disclose his qualification for the said election of 16/7/2022.

The RW2 and RW3 were also cross-examined on their evidence.

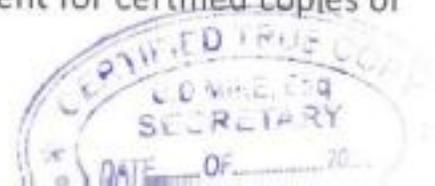
Several other documents were tendered and admitted in evidence by learned counsel for the 2nd Respondent. 2nd Respondent thereafter closed their defence.

The 3rd Respondent did not call any evidence. She rested her case on the evidence on record and tendered documents which were admitted in evidence, subject to the objection raised thereon by learned counsel for the Petitioners.

It should be noted that learned counsel for the parties, applied and the pre trial hearing schedule order was modified for parties to file objections to the tendering and admissibility of documents, separate from final written addresses on issues for determination, which parties had filed and adopted during their pre trial hearing session. In that regard, learned counsel for the parties have filed the said objection to the said documents.

Learned counsel for the 1st Respondent, Prof. Ananaba SAN, filed his objection on 30/12/2022, wherein, he attacked exhibits RC1, RC2 and BVR in his objections. In addition, exhibits PUBL 1 – 3 and CER were subject to objection by learned counsel for the 1st Respondent.

According to learned counsel for the 1st Respondent, exhibit RC2 bears the date of 31st day of August 2022, whereas the exhibits for which it purports to be evidence of certification were made between 30th day of May, 2022 and 21st day of August 2022, contrary to Section 104(1) of the Evidence Act 2011. In the opinion of learned counsel for the 1st Respondent, payment for certified copies of



documents are made before certification are done and not certification before payments, in which case, the said document should be rejected.

In addition, learned counsel for the 1st Respondent submitted that the exhibit RC2 has the name "ALL PROGRESSIVE CONGRESS PARTY, which is different from the name of the 2nd Petitioner, which shows that exhibit RC2 is not meant for the 2nd Petitioner, but, an entity unknown to law and the parties in the petition.

The same affliction, according to learned counsel for the 1st Respondent, attaches to exhibit RC1 dated 28th day of July, 2022, rendering exhibit BVR which was certified on 27th day of August 2022, inadmissible. Learned counsel for the 1st Respondent cited and relied on PDP vs. Sidi Ali (2004) All FWLR (Pt. 220) 1371 at 1381; and Barau & Anor vs. INEC & Ors (2019) LPELR-48847 (CA) 18 – 19 paras C – F for the submissions.

On exhibits PUBL 1- 3, and CER, learned counsel for the 1st Respondent has submitted that exhibit PUBL 1 -3 has alterations, cancellations and marking thereon, which have not been explained by Engineer Remo Omawaye, who made exhibit CER, and as such, the said exhibit PUBL 1 – 3 and CER are contrary to Section 84(2) and 160(1) of the Evidence Act (Supra). The cases of **Omisore & Ors v. Aregbesola & Ors (2015) 15 NWLR (Pt.1487) 205 at 294 paras F-G; Bayo vs. Njidaa (2004) 8 NWLR (Pt. 876) 544 at 622 paras A – E** cited for the submission.

Learned counsel for the 1st Respondent argued upon the Tribunal to reject the said exhibits and mark them as such.

Learned counsel for the 2nd Respondent objected to some exhibits to which learned counsel for the 1st Respondent had objected to in his submission on the documents. The said objection was filed on 31/12/2022. The reasons advanced by learned counsel for the 1st Respondent were the same reasons made by learned counsel for the 2nd Respondent on his objection to the exhibits in question. Learned counsel for the 2nd Respondent, however, added the authorities of **INEC vs. Araka (1990) LPELR-1910 (SC). Section 221 – 222 of the Constitution of**



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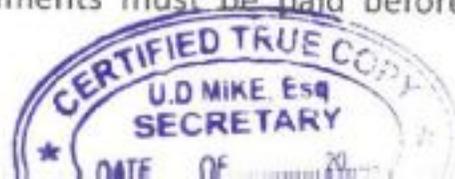
Nigeria, 1999 as amended, Seamarine Intl. Ltd vs. Ayetoro Bay Agency (2015) LPELR-24785 (CA), Onuekwusi vs. R.T.T.C.M.Z.C (2011) LPELR 27021 (SC), Sokoto vs. INEC (2022) 3 NWLR (Pt. 1818) 577, F.A.A.N vs. Wamal Express Services (Nig) Ltd (2011) LPELR-1261 (SC), (2011) 8 NWLR (Pt. 1249) 219 and Udom vs. Umana (No.1) (2016) 12 NWLR (Pt. 5526) 253.

Learned counsel for the 2nd Respondent urged on the Tribunal to expunge the said exhibits from the record of the court.

Learned counsel for the 3rd Respondent filed his objections to documents on the 30th day of December 2022. The same exhibits objected to by learned counsel for the 1st and 2nd Respondents are the same documents the objections of learned counsel for the 3rd Respondent relates to. The same reasons advanced by learned counsel for the 1st and 2nd Respondents are relied on by learned counsel for the 3rd Respondent in his submissions in respect of his objections. The additional authorities relied on by learned counsel for the 3rd Respondent in that regard are Calabar Municipal Govt. vs. Honestly (2022) 2 NWLR (Pt.1815) 403 at 432 paras A – C, Njoku vs. UAC Foods (1999) 12 NWLR (Pt.632) 557 at 565 para F, WITT & BUSCH Ltd vs. Goodwill and Trust Investment Inv. Ltd (2004) 8 NWLR (Pt.874) 179 at 203 paras B – G, Sokoto & Anor vs. INEC & Ors (2022) 3 NWLR (Pt. 1818) 577 besides the ones relied on by learned counsel for the 1st and 2nd Respondents. He therefore urged upon the Tribunal to reject the said documents and marked them as such.

Learned counsel for the Petitioners, Prince Fagbemi SAN, filed replies to the 1st Respondents objections to the admissibility of exhibits RC1, RC2, PUBL 1 – 3 and BVR on the 8th day of January 2022. The said process also contains his objections to the documents tendered by the 1st Respondent in the petition.

Learned counsel for the Petitioners submitted contrariwise to the submissions of learned counsel for the 1st Respondent in respect of the aforesaid exhibits. He relied on Section 104(1) and (2) of the Evidence Act (Supra), contending in effect, that, the said section did not specify whether the payment of the prescribed fee for the certification of documents must be paid before



certification; and Section 168(1) of the same Evidence Act (Supra) for presumption of regularity in respect of Certified True Copies of documents. He also called in aid, the judicial authorities of **Union Bank of Nigeria Plc vs. Ozigi (1994) 2 NWLR (Pt. 333) 385**, **Isulight (Nig) Ltd vs. Jackson (2005) 11 NWLR (Pt. 837) 631**, **Egwunewu vs. Egeagwu (2007) 6 NWLR (Pt. 6031) 431**; **Williams vs. Williams (2014) LPELR 22642** without indicating the court, **FCDA & Ors vs. Nzelu & Anor (2018) LPELR-20830 (CA)**, **Olagundoye & Anor vs. Albert & Anor (2014) LPELR-22980**, without the court, **Okelola vs. Adeleke (2004) LPELR-2438**, also without the court. Other cases cited by learned counsel for the Petitioner in his reply to the objections are **Ndoma Egba vs. Chukwuogon (2004) All FWLR (Pt. 217) 735** at 754, para H.; **N.D.I.C vs. Okem Ent. Ltd (2004) All FWLR (Pt. 210) 1126** at 1234 paras B – D; **P.D.P vs. Sidi Ali (2014) All FWLR (Pt.220) 1371** at 1386 para A; **Ojokolobo vs. Alamu (2004) All FWLR (Pt. 237) 579** at 606 on the principle that the plain words of Section 104, which are unambiguous, should be given their ordinary grammatical meaning, and **Yusufu vs. Obasanjo (2003) FWLR (Pt. 172) 1849 - 1862** to the effect that, the Tribunal should give effect to the law no matter how detestable it may be.

Referring to the case of **Tabik Investment Ltd & Anor vs. GTB (2011) 17 NWLR (Pt. 1276) 240**, learned counsel submitted that where a document is uncertified, a court of law can order it to be certified before proceedings would continue, as such, there is nothing wrong or improper in paying post dated, the fee for certification of any document which had not been paid for after certification.

Learned counsel for the Petitioners distinguished what the authority of **Sokoto vs. INEC (Supra)**, decided from the facts of the objection herein, contending that, the evidence of certification of exhibit RC1 And RC2, with BVR have a nexus with the various forms EC8A, EC8B Series tendered in evidence, unlike what happened in **Sokoto vs. INEC (Supra)**, and that there is proximity in time between exhibits RC1, RC2 and exhibit BVR with the various forms EC8 Series in evidence.

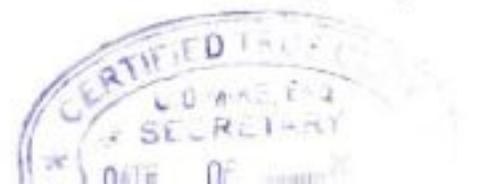


Learned counsel for the Petitioners concluded his response to the said objection with Section 146 of the Evidence Act (Supra), and the cases of **NBA vs. Kalejaiye (2016) 6 NWLR (Pt. 1508) 393, at 422 – 424 paras G – B**, and, urged upon the Tribunal to dismiss the said objection to the admissibility of the said exhibits under consideration.

Similar arguments have also been advanced by learned counsel for the Petitioners to the objections raised by learned counsel for the 2nd and 3rd Respondents to the admissibility of the said exhibits under consideration. Consequently, the arguments of learned counsel for the Petitioners are hereby adopted for the objections of learned counsel for the 2nd and 3rd Respondents to the said exhibits.

Exhibits RC1 and RC2 are receipts for payments issued by the 1st Respondent for certification of various forms EC8 Series contained in exhibits SCH1, SCH2 and SCH3. Exhibits RC1 and RC2 are dated the 28th day of July, 2022 and 3rd day of August 2022 respectively. The said exhibits are in respect of the contents of exhibits SCH1, SCH2 and SCH3 together with exhibit BVR. There is therefore a nexus between the said exhibit RC1 and RC2 with BVR, unlike the facts in the case of **Sokoto vs. INEC (Supra)**, relied on by each of learned counsel for the Respondents. The fact that the dates in exhibits RC1 and RC2 post date the dates on the various forms in exhibits SCH1, SCH2 and SCH3 does not make them inadmissible. See Section 157 of the Evidence Act (Supra). The test of admissibility it should be noted, is relevancy. See Section 4 and 5 of the Evidence Act (Supra). See also the cases of **Omatseye v. FRN (2017) LPELR-42719 (CA) 1 at 7 – 8, para A; Ajose-Adeogun & Anor v. Olojede & Ors (2018) LPELR-43683 (CA) 1 at 14 – 15, para E; Obiagwu & Ors vv. Okorafor (2019) LPELR-46689 (CA) 1 at 35 – 37, paras, A – B and Etim & Anor v. Akpan & Ors (2019) LPELR-48681 (CA) 1 at 10 – 12, paras, D – B.**

In any event, exhibits RC1, RC2 and BVR are documents made by the 1st Respondent. There is a presumption of regularity in favour of those exhibits. See Section 168(1) of the Evidence Act (Supra), See also **Shamo & Ors v. Abuul (2020)**



LPELR-49947 (CA) 1 at 24 – 25. The burden to rebut the presumption of regularity in favour of the said exhibits rest on the 1st Respondent. See Section 136 read with Section 145 of the Evidence Act (Supra). See also **Ojo vs. Kamalu (2005) 18 NWLR (Pt. 958) 523 at 565**, and **Daudu vs. NNPC (1998) 2 NWLR (Pt. 538) 355** cited by learned counsel for the Petitioners in his processes filed in response to the said objections to the admissibility to the said exhibits.

Exhibit RC2, as rightly submitted by learned counsel for the Respondents, is in favour of “ALL PROGRESSIVE CONGRESS PARTY”. The said “ALL PROGRESSIVE CONGRESS PARTY” is not synonymous with the 2nd Petitioner in this petition. It is not apparent from exhibit RC2 that the “ALL PROGRESSIVE CONGRESS PARTY” is a juristic person. Nevertheless, the name appearing on exhibit RC2 amounts to a misnomer, which does not detract from the import from the said exhibit RC2, and, we hereby so hold. See **Electoral Officer & Ors vs. Paschal & Anor (2015) LPELR-25993 (CA) 1 at 13 – 15, paras, B – C**; **Yohanna & Ors v. Gabriel & Ors (2020) LPELR-49948 (CA) 1 at 12 – 14, paras, C – F**; **PDP v. Nwoko & Ors (2019) LPELR-47900 (CA) 1 at 30 – 31, paras, E – A**; **Awuzie & Ors v. Ohanwe & Ors (2020) LPELR – 49555 (CA) 1 at 21 – 23 para A**; **Echendu v. Ozurigbo & Ors (2019) LPELR-48834 (CA) 1 at 12 – 13, para, F** and **APGA v. UBA & Ors (2019) LPELR-47700 (CA) 1 at 9, paras A-B**.

We thus, see no merit in the various objections to exhibits RC1, RC2 and BVR. The said objections are hereby dismissed. The exhibits in question were correctly admitted.

On exhibit PUBL 1 – 3, the Respondents have not disclosed the cancellations, alteration or markings which detract from the material questions of the rights and interest of the parties in this petition in the said exhibit PUBL 1 – 3. It is not enough to contend that there are alterations, cancellations on the said document. The party alleging such cancellations, alterations or marking must proceed to prove how such facts have affected the rights of the parties or the legal effect in the said documents. See Section 160(7) of the Evidence Act (Supra). There is no such proof by the Respondents to this petition. As such, the objection



to the admissibility of exhibit PUBL 1 - 3 is equally hereby dismissed. The said exhibit PUBL 1 – 3 was therefore correctly admitted. See Sections 52 read with Section 105 of Evidence Act (Supra).

Consequently, the Reply on points of law by the 3rd Respondent in response to the objections raised by the 3rd Respondents to the Petitioners documents is dismissed.

We shall now turn our attention to the objections filed on the 8th day of January, 2023 to the various documents tendered by the 1st, 2nd and 3rd Respondents and replies made thereto by the 1st, 2nd and 3rd Respondents to the said objections.

Learned counsel for the Petitioners referred to exhibits RWC, 2R.RW2 and submitted that they were made during the pendency of the petition, and by a party interested, and as such, inadmissible, by virtue of Section 83(3) of the Evidence Act (Supra). The case of **Alade vs. Olukade (1976) (SC) 183; Anagbedo vs. Faruk (2018) LPELR-44909 SC; Owei vs. Ighiwi (2005) 5 NWLR (Pt. 917) 84; Ladoja vs. Ajimobi (2016) 10 NWLR (Pt. 1519) 87; FRSC & Ors vs. Incorporated Trustees of Risk & Accident Prevention Society of Nig. (2020) LPELR-51271 (CA)** are cited for the submission.

Learned counsel for the Petitioners urged the Tribunal to expunge the said exhibits from the record of the Tribunal, citing in support, the case of **Zenith Bank Plc vs. Igbokwe (2018) LPELR-44777 (CA)** for the submission.

On exhibits 2R.RW6, 2R.RW7, 2R.RW8, 2R.RW9, 2R.RW10, 2R.RW11 and 2R.RW12, learned counsel for the Petitioners contended that RW2 is not the maker of the said exhibits. He is also not a staff of the institutions that made or issued the said documents, with no explanation why the makers or owners of the said documents did not come to court to tender them. The cases of **NBC vs. Ubani (2009) All FWLR (Pt. 497) 40 and Trade Bank Plc vs. Moronkeji (Nig) Ltd (2005) 6 NWLR (Pt. 309)** without the page are cited for the submissions.



In addition, it is submitted by learned counsel for the Petitioners that when such documents are admitted, no weight would be attached to them, as they amount to hearsay, citing in support the cases of **Flash Fixed Odds Ltd vs. Akatuga (2001) FWLR (Pt. 76) 709 at 730**; **Kubor vs. Dickson (2012) LPELR-9817 (SC) 392 at 429**; **Wuzirchi vs. Muhammed (2019) All FWLR (Pt. 977) 93 at 111 – 113**; **Ikpeazu vs. Otti (2016) All FWLR (Pt. 833) 1946 at 1988**; **Andrew vs. INEC (2018) 9 NWLR (Pt. 1625) 507 at 558 paras E – F** and **Nyesom vs. Peterside & Ors (2016) All FWLR (Pt.842) 1573 at 1639 para E** for the submission.

According to learned counsel for the Petitioners, RW3, who tendered the said documents, has no personal knowledge of the documents, by which, the said evidence of RW3 amounts to documentary hearsay, for which, they should be expunged from the record of the court. See the cases of **Okowa vs. Emerhor (2016) 1 NWLR (Pt. 1522) 1**; **Olalomi Industries vs. N.I.D.B (2002) 17 NWLR (Pt. 795) 59 at 84 – 85**; **Mark vs. Abubakar (2009) 2 NWLR (Pt. 1124) 79 at 184 – 185**; **Uwa Printers Ltd vs. Investment Trust Ltd (1988) 5 NWLR (Pt. 92) 110 at 122 paras A – C**; **Nya vs. Edem (2005) 4 NWLR (Pt. 915) 345 at 369 to 379 para A**; **Aregbesola vs. Oyinlola (2011) 9 NWLR (Pt. 1253) 458 at 186 – 187 paras H – F**; **Alao vs. Akano (2005) All FWLR (Pt. 264) 799 at 812 – 813** cited for the submission.

Specifically, on exhibit 2R.RW11, learned counsel submitted that RW2 is not the photographer who took the pictures forming the basis of exhibit 2R.RW4, and as such, exhibit 2R.Rw12 dated 21/12/2022 could not have been made by RW2, for which reason, it should be expunged from the record, as it has no probative value. The case of **NIMASA vs. Hensmor (Nig) Ltd (2015) 5 NWLR (Pt. 1452) 778** is cited for the submissions along with Section 83(1) of the Evidence Act (Supra).

Learned counsel for the Petitioners turned his attention to exhibits RWA, RWB, 2R.RW3, 3A, 3B and 3C tendered and admitted during cross-examination of RW1 and RW2 by learned counsel for the 2nd Respondent on facts, which learned counsel for Petitioners stated are not pleaded and the said documents themselves were not pleaded. Reference is made to the replies of the 1st, 2nd and



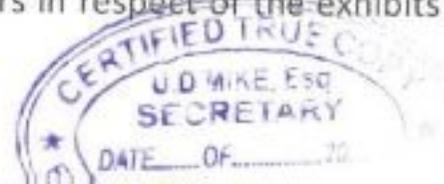
3rd Respondents to contend that there are no facts in the said Replies to justify the tendering and admissibility of the said exhibits under consideration. The cases of **Transport v. Oluwasegun (1971) 8 NSCC 476 – 477; Nwabusa vs. Enemu (1998) NSCC (Pt. 1) 930 at 940; Adenle vs. Odule (2003) FWLR (Pt.158) 1087** are cited for the submission.

On exhibits 2R.RW4, and 2R.RW5, learned counsel for the Petitioners submitted that they are photocopies of Certified True Copies of the said documents, by reason of which, they are inadmissible, relying on **Bredeco (Nig) Ltd vs. Shayontor (Nig) Ltd & Ors (2016) LPELR-40205 (CA); Jalo & Anor vs. Gambo & Ors (2019) LPELR-49208 (CA) and Mudashiru vs. State (2019) LPELR-47946 (CA)** for the submissions.

On the 976 BVAs Machines, learned counsel for the Petitioners submitted that the 1st Respondent did not show the relevance of the said BVAs Machines and what they were tendered for, and as such, this Tribunal cannot embark on its own independent search or analysis to determine what the said machines are meant to achieve. The cases of **Alao vs. Akayo (2005) 11 NWLR (Pt. 935) 160 at 178 – 179; Abi vs. CBN (2012) 3 NWLR (Pt. 1286) 1 at 28 and Iniama vs. Akpabio (2008) 17 NWLR (Pt. 1116) 225 at 229 – 300** are cited for the submissions.

The import of the above submission, according to learned counsel is that, the said 976 BVAs Machines were dumped on the Tribunal, relying on the case of **ANPP vs. INEC (2010) 13 NWLR (Pt. 1212) 549 at 620 paras H – B** for the submissions.

This petition, it should be noted was filed on the 5th day of August, 2022. Exhibits R.BVR 1 – 129 and RWC were made on the 22nd day of August, 2022. The said exhibits were indeed made during the pendency of this petition. However, the 1st Respondent, and RW1 who authored the said exhibits acted in official capacity, and not in her personal capacity. She cannot therefore be accused of having personal interest in the subject matter of the pending petition, as rightly submitted by learned counsel for the Respondents in their replies to the objections raised by learned counsel for the Petitioners in respect of the exhibits



under consideration. See the cases of **Donli vs. Abdullahi & Ors (2014) LPELR-23011 (CA) I at 14 – 19 paras A**; **High Grade Maritime Services Ltd vs. FBN (1991) LPELR-1364 (SC) 1 at 32 – 33 para F**; and **Apugo & Sons Ltd vs. OHMB (2016) LPELR-40598 (SC) 1 at 67 – 68 paras B** cited by learned counsel for the 1st Respondent, **Okechukwu vs. INEC (2014) 17 NWLR (Pt. 1436) 255 at 294 – 295 paras H – F** cited by learned counsel for the 2nd Respondent respectively in their Replies to the objection of learned counsel for the Petitioners.

In ground 1 of the Petition, already reproduced in this judgment, the Petitioners questions the non qualification of the 2nd Respondent to contest the election conducted on the 16th day of July, 2022. RW3 testified, unchallenged that he is a personal assistant, and has in his custody the educational qualification certificates of the 2nd Respondent by virtue of that fact. The question whether RW3 is not the maker of the said educational qualifying certificates relates to the weight to be attached to the said documents, and not their admissibility. The question of weight to be attached to evidence comes after the said evidence is admitted.

In paragraphs 34(ix), 58 (iii) of the 2nd Respondents Reply to the petition, and pages 189 – 220 of volume 1 of the 1st Respondents' Reply and documents in support thereof, the facts and documents in exhibits RWA, RWB, 2R.RW3, 3A, 3B and 3C were specifically pleaded.

On the question of whether exhibits R.BVR 1 – 129 was dumped at the Tribunal, without linking it to any of the paragraphs of the replies of the Respondents, we shall answer the said objection by referring to paragraph or clause 46 (4) of the first schedule, the Rules of procedure for Election Petition. The said paragraph or clause 46(4) provides as follows:

“(4) Documentary evidence shall be put in and may be read or taken as read by consent, such documentary evidence shall be deemed demonstrated in open court and the parties in the petition shall be entitled to address and urge argument on the content of the document, and the Tribunal or Court shall scrutinize or investigate the



content of the documents as part of the process of ascribing probative value to the documents or otherwise."

(Underlining ours)

The said provision is made pursuant to Sections 140(1) and 152 of the Electoral Act (Supra). By Section 3 of the Evidence Act (Supra), nothing in the Evidence Act (Supra);

".....Shall prejudice the admissibility of any evidence that is made admissible by any other legislation validly in force in Nigeria".

(Underlining ours)

See also **Arabambi & Anor vs Advance Beverages Industries Ltd (2005) 12 S.C.N.J 331 at 356**, wherein, Mukhtar JSC (as she then was), later CJN, held inter alia as follows:

"A trial Judge whilst evaluating evidence is at liberty to examine and peruse most carefully documents and oral evidence before him. That is part of his judicial function, and if he fails to do so then he is falling in this duty. In fact even where necessary a Judge ought to comb any crucial evidence before him with the finest toothcomb to ensure that the credibility and reliability of the evidence is ascertained and applied towards the just determination of the case. If doing that is what the learned senior counsel says is tantamount to private investigation, then it is most unfortunate."

(Underlining ours).

Similarly, in the election petition case of **Chukwuma vs. Anyakoro (2006) All F.W.L.R (Pt. 302) 121 at 141**, Sanusi JCA (as he then was), later JSC, held inter alia as follows:

"Documentary evidence tendered in the course of proceedings before a trial court are not tendered for the fun of it. They are tendered by the party with the expectation that the trial court would consider same and come up with meaningful determination for the purpose they are tendered. They are not



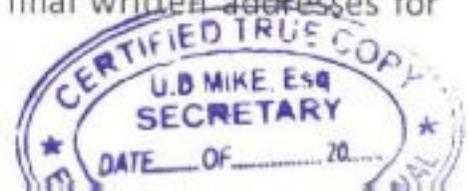
for decoration. Interest of justice therefore demands that they are considered or looked into, evaluated by the trial court which is expected to draw its conclusion on them as it deems appropriate.....”

We shall now consider the objections to the admissibility of exhibits 2R.RW4 and 2R.RW5. They are photocopies of the judgment of the Court of Appeal in Appeal No. CA/A/362/2019 and the originating summons in Suit No. FCT/A/BW/CV/122/2018 respectively. The question for determination in the objection is not whether the judgment of the Court of appeal has been reported in any Law Report. The material question as argued by learned counsel for the Petitioners in his reply to the objection of learned counsel for the Respondents is whether the said documents, being public documents, are certified in the manner provided by law. We have examined the said exhibits 2R.RW4 and 2R.RW5. The said exhibit 2R.RW4 is in breach of the authorities of **Bredeco (Nig) Ltd (Supra), and Jalo & Anor vs. Gambo & Ors (Supra)** cited by learned counsel for the Petitioners in his address to the objections in respect of the said documents. The said objection is hereby sustained. Exhibit 2R.RW4 is hereby marked “REJECTED” accordingly. Exhibit 2R.RW5, is however, certified in accordance with the law. The objection to it is hereby dismissed.

For the reasons earlier contained in this judgment, the several objections raised by learned counsel for the Petitioners to the documents tendered by the 1st, 2nd and 3rd Respondents are hereby dismissed, other than the objection sustained, along with the replies on points of law canvassed for the Petitioners in respect thereto.

Having determined the objections to the admissibility or otherwise of the documents tendered by parties in this petition, it is imperative to now consider the issues for determination, on their merit, filed by learned counsel for the parties in this petition.

During the pre-hearing session, the issues for determinations were filed and adopted by the parties. After the conclusion of the evidence of the parties, learned counsel, on behalf of the parties, again filed final written addresses for



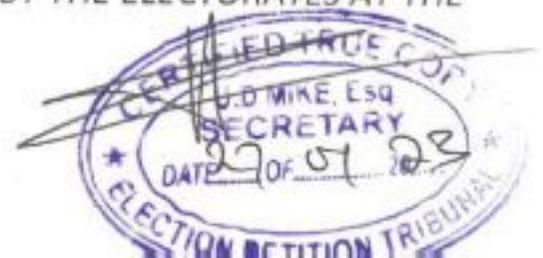
determination by the Tribunal. The said issues for determination would be reproduced herein, for ease of reference.

Learned counsel for the 1st Respondent, Prof. Ananaba SAN, has identified three (3) issue for determination, in his written address filed on 30th day of December, 2022, namely;

- “(1) Whether the 2nd Respondent was not at the time of the election qualified to contest the Osun State Governorship Election held on the 16th day of July, 2022.*
- (2) Whether the 2nd Respondent was not duly elected as the Governor of Osun State having scored the majority of lawful votes case at the Osun State Governorship Election held on the 16th day of July, 2022.*
- (3) Whether the return of the 2nd Respondent as Governor of Osun State in the Osun State Governorship Election held on the 16th day of July, 2022 was not in substantial compliance with the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the 2022 Electoral Act, the Guidelines and the Manual for Election Officials 2022.”*

Learned counsel for the 2nd Respondent, Dr. Ikpeazu SAN, on his part filed his final written addresses on the 31st day of December, 2022. In the said final written address, four (4) issues are raised therein namely;

- “i. WHETHER OR NOT THE HONOURABLE TRIBUNAL HAS THE JURISDICTION TO HEAR AND/OR DETERMINE THIS PETITION.*
- ii. WHETHER OR NOT THE 2ND RESPONDENT WAS QUALIFIED TO CONTEST AT THE ELECTION FOR THE OFFICE OF GOVERNOR OF OSUN STATE, HELD ON 16TH JULY, 2022 IN OSUN STATE.*
- iii. WHETHER OR NOT THE 2ND RESPONDENT WAS DULY ELECTED BY A MAJORITY OF THE LAWFUL VOTES CAST BY THE ELECTORATES AT THE*



ELECTION FOR THE OFFICE OF GOVERNOR OF OSUN STATE HELD ON 16TH JULY, 2022, IN OSUN STATE.

- iv. *WHETHER OR NOT THE ELECTION OF THE 2ND RESPONDENT AT THE ELECTION FOR THE OFFICE OF GOVERNOR OF OSUN STATE HELD ON 16TH JULY 2022 IN OSUN STATE WAS MARRED BY NON-COMPLIANCE WITH THE ELECTORAL ACT, 2022 WHICH SUBSTANTIALLY AFFECTED THE OUTCOME OF THE SAID ELECTION."*

Learned counsel for the 3rd Respondent, Dr. Izinyon SAN, in his final written address dated 30th December, 2022 and filed on same date distilled three (3) issues for determination, in these words:

- "1. Whether the 2nd Respondent sponsored by the 3rd Respondent was qualified to contest the Governorship Election for Osun State held on 16th July, 2022?*
- 2. Whether the 2nd Respondent sponsored by the 3rd Respondent was duly elected by the majority of lawful votes cast at the Governorship Election on 16th July, 2022 for Osun State and was validly returned?*
- 3. Whether the Governorship Election for Osun State held on 16th July, 2022 was invalid by reason of non-compliance with the provisions of the Electoral Act, 2022?"*

Learned counsel for the Petitioners, Prince Fagbemi SAN, filed three (3) issues in his final written addresses in response, and, incorporated therein a Reply to the final written addresses filed by each of the respondents on the 8th day of January, 2022. Each of the three (3) final written addresses filed by learned counsel for the Petitioners contains three issues for determination raised by learned counsel for the Petitioners. The said issues for determination read as follows:



- "1) Whether the 2nd Respondent was at the time of election, qualified to contest the Osun State Governorship Election held on the 16th day of July, 2022;*
- 2) Whether the 2nd Respondent was duly elected by majority of lawful votes cast at the Osun State Governorship Election held on the 16th day of July, 2022; and*
- 3) Whether the return of the 2nd Respondent as the winner of the Osun state governorship election held on the 16th day of July, 2022 is not null and void by reason of non-compliance with the provisions of the Electoral Act, 2022."*

Learned counsel for the 1st and 2nd Respondents filed their respective Replies on points of law to the final written addresses of the Petitioners on the 11th day of January, 2023.

Learned counsel for the 3rd Respondent filed his Reply written address on points of law in response to the Petitioners' final written address on the 10th day of January, 2023.

On the 13th day of January 2023, learned counsel for the respective parties, adopted their final written addresses and urged on the Tribunal to grant the conclusion reached by each of them as contained in their respective written addresses.

Learned counsel for the parties, were also granted ample time and opportunity to elucidate the contents of their final written addresses. Thereafter, the Tribunal reserved this judgment which is hereby been delivered today.

A clear and dispassionate reading and examination of the issues for determination filed by learned counsel for the respective parties show that issues identified by learned counsel for the 1st Respondent are similar to the issues for determination raised by learned counsel for the 2nd and 3rd Respondents and that of learned counsel for the Petitioners, though differently worded, except for the

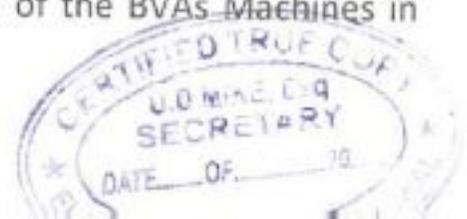


additional issue 1 raised by learned counsel for the 2nd Respondent, which is predicated on the applications filed and argued during the pre hearing session. This Tribunal would therefore adopted the issues for determination raised by learned counsel for the Petitioners in this petition. In doing that, the Tribunal would determine the issue 1 raised by learned counsel for the 2nd Respondent in his final written address.

Before a consideration of the arguments of learned counsel for the parties in their final written addresses, it is necessary to determine the facts, which are not in dispute between the parties in the petition, taking into account, the oral and documentary evidence tendered and admitted before this Tribunal.

It is not disputed that the 1st Respondent held elections on the 16th day of July, 2022 in Osun State for the office of the Governor of Osun State. On the 17th day of July 2022, the 2nd Respondent was declared and returned as the duly elected Governor of Osun State with a majority of lawful votes, as shown in exhibit EC8D, with the scores of 403,371 against the scores of 375,021 in favour of the Petitioners. It is not in doubt that the 1st Respondent deployed a technological device, known as BVAs in the conduct of the said elections held on the 16th day of July, 2022. The said BVAs Machines have not been shown to have malfunctioned in their use for the election of 16th day of July, 2022. It is not also in doubt that they were no network hitches on the day of the said election to render it difficult in transmitting to the "back end server" domiciled in 1st Respondent, the result of the election in the 3366 Polling Units of Osun State. It is also apparent that the "send" button was engaged by the presiding officers in transmitting, the results of the election from each Polling Unit in Osun State to the "back end server" aforesaid. The 2nd Respondent presented before the 1st Respondent the particulars of his credentials as a candidate in the election, as shown in exhibit EC9. It is not disputed that the Petitioners are challenging the results of the said election in 10 Local Government Areas of Osun State.

Equally not disputed is the fact that the Petitioners applied, and, the 1st Respondent issued a report of the use and application of the BVAs Machines in



the said elections, as shown in exhibit BVR. The 2nd Respondent also applied to inspect and the Tribunal granted the said application, and a physical inspection of the BVAs Machines was done by the 2nd Respondent as indicated in exhibits R.BVR1- 129 and RWC. Also not in dispute is the fact that the presiding officers at each of Polling Units in question, and, the polling agents of the parties at the election at the said Polling Units have not testified in this petition.

We find these pieces of evidence unchallenged and therefore proved. What is in dispute is, as earlier stated, the issues herein adopted by the Tribunal from the issues for determination raised by the parties.

We shall in the course of this judgment, refer to, and consider the final written addresses of learned counsel for the parties, whenever necessary, taking into account, the oral and documentary evidence admitted before this Tribunal.

For a start, and as submitted by learned counsel for the Respondents, the onus and burden of proof of the petition is on the Petitioners. Also, on allegation of forgery of documents, which is a criminal offence vide Section 464 of the Criminal Code of Osun State Cap. 34 Laws of Osun State made on the 31st day of December, 2001 Vol. II, the standard of proof is that of proof beyond reasonable doubt. See also Section 135(1) of the Evidence Act 2011.

In addition, learned counsel for the Petitioners submitted that the 2nd Respondent need not be convicted for the offence of forgery before he would be heard to be disqualified for the election of 16th day of July 2022, referring to the case of **Suleh vs. Abah (2017) 12 NWLR (Pt. 1578) 100 at 133 para E – F**, as presentation of a forged certificate is not restricted to a current election, but any other election which the candidate in question had earlier presented a forged certificate.

In the instant petition, the Petitioners, tendered exhibits EC9, EC1 – EC12, the particulars the 2nd Respondent presented to the INEC is his qualification for the election of 16th day of July, 2022. The Petitioners also subpoenaed, and the 1st



Respondent through Mrs. Joan Arabs produced FILE D which was tendered in evidence. The said exhibit FILE D is in respect of the election conducted by the 1st Respondent in 2018.

Exhibit EC9, as earlier indicated, is the affidavit in support of the personal particulars of the 2nd Respondent which he presented to the 1st Respondent for the election of 16th day of July, 2022. On page 2 of exhibit EC9, the 2nd Respondent, in his handwriting wrote under:

"(1) School Attended (Educational qualification with dates:

Thus:

"2. SECONDARY - EDE MUSLIM GRAMMAR SCHO, EDE - ATTENDED 1976 - 1981

PENN FORSTER HIGH SCH - HIGH SCHOOL DIPLOMA - 2021

3. HIGHER ATLANTA METROPOLITAN STATE COLLEGE - BSC CRIMINAL JUSTICE 2021"

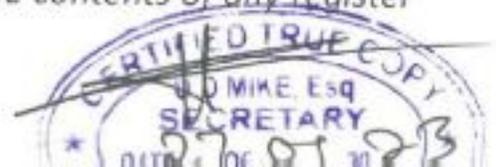
On page 4, of exhibit EC9, there is a letter of Attestation from Ede Muslim High School dated 22nd day of May, 2016.

Learned counsel for the Petitioners, as earlier stated, referred to the different names in the schools reproduced above and the evidence admitted by RW2 under cross-examination, that Osun State was created in 1991, and as such, any evidence that a qualifying certificate or document stating that it was from Osun State in 1981 is a forgery.

Forgery, is defined in Section 464 of the Criminal Code of Osun State (Supra), as follows:

"464. A document or writing is said to be false---

(a) in the case of a document which is a register or record kept by lawful authority, or an entry in any such register, or which purports to be issued by lawful authority as testifying to the contents of any register

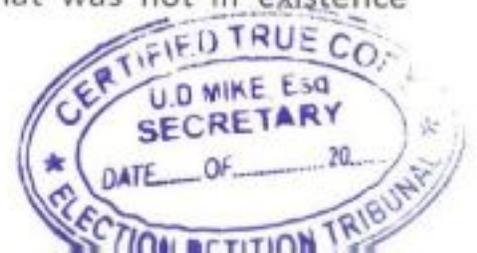


- or record kept by lawful authority, or as testifying to any fact or event, if any material particular stated in the document is untrue; or*
- (b) *if the whole or some material part of the document or writing purports to be made by or on behalf of some person who did not make it or authorize it to be made, or if, in a case where the time or place of making is material, although the document or writing is made by or by the authority of the person by whom it purports to be made, it is with a fraudulent intent falsely dated as to the time or place of making; or*
- (c) *if the whole or some material part of the document or writing purports to be made by or on behalf of some person who does not, in fact, exist; or*
- (d) *if the document or writing is made in the name of an existing person, either by that person himself or by his authority, with the fraudulent intention that it should pass as being made by some person, real or fictitious, other than the person who makes it or authorize it to be made."*

(Underlining ours).

The word "or" appearing in the above reproduced section of the Criminal Code (Supra) is a disjunctive connotation. See Section 18(3) of the Interpretation Act, Laws of Nigeria. See also **Suswam v. Govt. of Benue State (2018) LPELR-47368 (CA) 1 at 6 – 15, para A.**

A clear reading of the above reproduced section of the Criminal Code and exhibit EC9 reproduced above reveals that EC9 tells a lie about itself. See **ACN vs. Lamido (2011) LPELR-91741 (CA) 1 at 79 – 80 paras C – A, and 80 – 81 paras F – A.** In that regard, forgery of the said documents presented by the 2nd Respondent to 1st Respondent has been proved. The same consequence applies to FILE D in so far as the contents therein relates to "Osun State" that was not in existence



before 1991. See **PDP v. Degi-Eremenyo (2021) 9 NWLR (Pt. 1781) 274 at 292 paras A – C** cited by learned counsel for the Petitioners.

Exhibit 2R.RW6 is a certificate from Atlanta Metropolitan College. Exhibit 2R.RW9 is a Diploma Certificate from Penn Foster High School. Both exhibits 2R.RW6 and 2R.RW9 are in proof of the Schools, indicated by the 2nd Respondent in exhibit EC9 as the schools he attended.

RW3 testified in the petition for the 2nd Respondent. He tendered exhibits 2R.RW6 and 2R.RW9 amongst several other documents. His evidence, for emphasis, is to the effect that he is a personal assistant of the 2nd Respondent, and has custody of the said documents by that fact. RW3 was not challenged or that piece of evidence by the Petitioners. The Petitioners, also did not call evidence of the authorities that made exhibit 2R.RW6 and 2R.RW9 to deny issuing the said documents to the 2nd Respondent. The absence of an evaluation report from the Federal Ministry of Education attesting to the credibility or otherwise of the said exhibits does not render them false documents. The said exhibit 2R.RW6 and 2R.RW9 are hereby deemed genuine documents, as rightly submitted by learned counsel for the 1st Respondent.

The question of the qualification of a candidate at an election is determined with reference to the documents presented by him to 1st Respondent at the time of the election. See Section 177 of the Constitution of Nigeria (as amended) especially paragraph d thereof. The said Section 177 of the Constitution of Nigeria (Supra) provides as follows:

"177. A person shall be qualified for election to the office of Governor of a state if-

- (a) he is citizen of Nigeria by birth;*
- (b) he has attained the age of thirty-five years;*
- (c) he is a member of a political party and is sponsored by that political party; and*



(d) *he has been educated up to at least School Certificate level or its equivalent.*”

A clear reading of the said section, reproduced above shows that exhibits 2R.RW6 and 2R.RW9 meets the qualification for an election as contained in section 318 of the Constitution of Nigeria (Supra). The question, however, is whether having found forgery in parts of exhibit EC9 and FILE D, the 2nd Respondent is exonerated by exhibits 2R.RW6 and 2R.RW9. We think he is. It would have been otherwise if no other qualifying certificate of attendance at an institution had not been presented to 1st Respondent for the election. Exhibit 2R.RW5, which was not part of exhibit EC9, cannot form a basis of such document “presented to the 1st Respondent” at the time of the election of 16th day of July, 2022. The said exhibit 2R.RW5 has no probative value to the question of the qualification of the 2nd Respondent to contest the said election, moreso, that, exhibits 2R.3R1 and 2R.3R2, being photocopies of a public document, uncertified, are inadmissible evidence. See **Bredeco (Nig) Ltd v. Shayontor (Nig) Ltd & Ors (2016) LPELR-40205 (CA)** without the page, **Jalo & Anor v. Gambo & Ors (2019) LPELR 49208 (CA) 30 – 33 paras. F.** Thus, the said exhibits 2R.3R1 and 2R.3R2 are hereby expunged from the record of the Tribunal.

On the 3rd day of December, 2022, in open court, learned counsel for the 1st Respondent, Akunebu SAN, stated thus;

“The subpoenaed witness is in court with the original of the file of Form CF001 of the 2nd Respondent. The contents are legible”.

(Underlining ours).

The said exhibit FILE D is the document referred to by learned counsel for the 1st Respondent.

Words of learned counsel from the bar, which are based on the evidence before the court, binds his client. See **Ogboru & Anor v. Uduaghan & Ors (2013) LPELR-20805 (SC) 1 at 30 – 32 paras E – D; Nyako v. Adamawa House of Assembly & Ors (2016) LPELR-41822 (SC) 1 at 49 – 54, paras, E – D; Agi v. PDP &**



Ors (2016) LPELR-42578 (SC) 1 at 99 paras A – C; Okusanya & Ors v. Adetona & Ors (2018) LPELR-44876 (CA) 1 at 32 – 33, paras F – A and Mohammed v. State (2020) LPELR-50441 (CA) 1 at 38 – 50, paras E – B.

Exhibit FILE D is in original form and does not require certification. See Section 102 of the Evidence Act (Supra). The submissions of learned counsel for the 1st Respondent to the contrary is erroneous on exhibit FILE D. It is hereby dismissed.

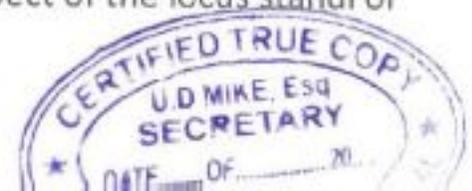
Thus, issue 1, is hereby resolved in favour of the Respondents and against the Petitioners.

Be that as it may, we shall reproduce, in a summary form, the arguments of learned counsel for the parties in respect of issue 1, for the records.

It should be noted that the 1st Petitioner is not a member of the 3rd Respondent. The Petitioners cannot determine who the 3rd Respondent nominate as their candidate in the election under consideration as to complain of any document presented to 1st Respondent before the conduct of the said election within 14 days of the presentation of the said processes to the 1st Respondent by the 2nd and 3rd Respondents. The submissions of learned counsel for the 1st Respondent to the contrary is hereby dismissed.

Similarly, the submission that the Petitioners did not exhaust the internal resolution mechanism provided by the 1st Respondent before filing this petition is untenable. The internal resolution mechanism provided by the 1st Respondent in the Electoral Act (Supra), are inferior to the constitutional provision in Section 285(2) of the said Constitution of Nigeria (Supra). The Petitioners are therefore obligated by law, to bring this petition, without first exhausting the internal resolution mechanism of the 1st Respondent. The submission of learned counsel for the 1st Respondent to the contrary is hereby dismissed.

In addition, learned counsel for the parties, in open court, on the 10th day of December, 2022 admitted that the Court of Appeal, Abuja Division, in Appeal No. CA/ABJ/CV/1061/2022 determined the appeal in respect of the locus standi of



the 1st Petitioner as a candidate of the 2nd Petitioner. The said admission need no further proof. See Sections 20, 21(1) read with Section 123 of the Evidence Act (Supra).

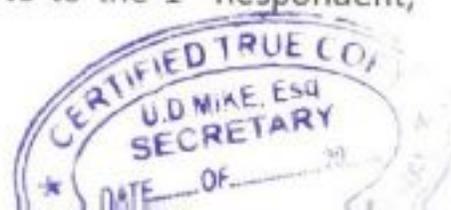
Besides, certain paragraphs of the petition, which objections were raised against, cannot be read independent of, and in isolation from the other paragraphs of the petition. The said paragraphs are interwoven with each other and would be read as a whole. To do otherwise, would amount to a denial of the right of the Petitioners to be held on vital issues which those paragraph seeks to proof in the petition. The objection to the said paragraphs is also dismissed.

Similarly, the several preliminary objections to the competence of the 1st Petitioner as a candidate in the election, and the jurisdiction of this Tribunal to determine the said petition are hereby dismissed. In other words, this Tribunal has the jurisdiction to determine the petition herein.

Issue 1:

This issue involves the evidence in exhibit EC9, EC9 1 – 12 and FILE D tendered by the Petitioners, and exhibits 2R.RW5, 2R.RW6, 2R.RW7, 2R.RW8, 2R.RW9, 2R.RW10, 2R.RW11, 2R.RW12 tendered by the 2nd Respondent.

Learned counsel for each of the Respondents has submitted that the Petitioners have not proved the non-qualification of the 2nd Respondent for the election conducted on the 16th day of July 2022, contending in the mean that, the 2nd Respondent was qualified for the said elections, citing in support Section 177 read with Section 318 of the Constitution of Nigeria, 1999 (as amended) and the cases of **Abubakar & Anor vs. INEC & Ors (1999) LPELR-48488 (CA)** without the page, **PDP & Anor vs. INEC & Ors (2014)** without the citation at pages 37 – 38 paras D – B for the 1st Respondent; and for the 2nd Respondent, learned counsel for him submitted that the 2nd Respondent showed evidence of attendance of a Secondary School up to a University level, for which the 2nd Respondent is qualified to vie for the office of the Governor of Osun State. What is required of the 2nd Respondent is not a presentation of a Certificate to the 1st Respondent,



but evidence of attending a Secondary School, relying on **A.D vs. Fayose (2005) 10 FWLR (Pt. 932) 151 at 222 – 233 paras G – E**, **Kakih vs. PDP (2014) 15 NWLR (1430) 375 at 424 – 425 paras B – H**, **Abubakar vs. INEC (2020) 12 NWLR (Pt. 1737) 37 at 153 page A – G**, **Imam vs. Sheriff (2005) 4 NWLR (Pt. 914) 80 at 157 paras G - H**.

Learned counsel for the 1st Respondent also submitted that exhibits EC9 Series and FILE D relied upon by the Petitioners relates to pre-election matters, which the petitions should have challenged before the conduct of the election on the 16th day of July 2022, and that having not challenged the decision of the 1st Respondent to accept and adjudge the 2nd Respondent as a qualified candidate for the said election, the Petitioners are deemed to have waived their right to complain, and as such, they should not be entertained in this petition. Section 28(5), (6) of the Electoral Act, 2022 and the cases of **C.C.B (Nig) Ltd vs. Mbakwe (2002) 7 NWLR (Pt. 765) 158 at 175** and **Egeonu vs. INEC & Ors (2014) LPELR-22868 (CA) 1 at 32 – 33** are cited for the submissions.

Learned counsel for the 1st Respondent further submitted that the allegation of forgery raised by the Petitioners in respect of the documents submitted by the 2nd Respondent to the 1st Respondent, are criminal in nature, thus, the standard of proof of the said allegation is that of beyond reasonable doubt, which has not been proved by the Petitioners. Sections 132 and 135(1) of the Evidence Act (Supra) is cited for the submission. Learned counsel went on in paragraph 5:30 of his final written address to itemize requirement of proof of forgery, and relied on the cases of **Nwobodo vs. Onoh (1984) All NLR 1**; **Dantoye vs. Kanya (2009) 4 NWLR (Pt. 1130) 13 at 33**; **Modibbo vs. Usman (2020) 3 NWLR (Pt. 1712) 470 at 509 paras F – G**; **Babalola & Ors vs. State (1989) 4 NWLR (Pt. 115) 264 at 277**; **Smart vs. State (1974) 11 SC 173**; **Awobolu vs. State (1976) 5 SC 49**, and **Alake & Anor vs. State (1991) 7 NWLR (Pt. 205) 567 at 593** for the submissions. In addition, learned counsel for the 1st Respondent submitted that the failure of the Petitioners to present the original copy of the documents which they contend is genuine and the one said to be forged amounts to lack of proof of forgery, citing in support, the cases of **APC vs. PDP (2005) 15 NWLR (Pt. 1481) 1**



for the submission. Besides, learned counsel for the 1st Respondent submitted that only the authority that issued a document can determine whether a document said to have emanated from them can be said to be forgery, relying on **Audu vs. INEC (No.2) (2010) 13 NWLR (Pt. 1212) 45** for the submission.

According to learned counsel for the 1st Respondent, the failure to subpoena the authorities that issued certificates to the 2nd Respondent or call their evidence amount to withholding evidence relying on Section 167(d) of the Evidence Act (Supra), by reason of which, the certificates issued and awarded to the 2nd Respondent by the institution that awarded them enjoy the presumption of genuineness, citing in support, Section 146 of the Evidence Act (Supra). The cases of **Emeka vs. Innocent (2019) LPELR-48190 (CA) 29 paras B – F**, and **Egworebor & Anor vs. Osanebi & Ors (2019) LPELR-48802 (CA)** without the pages are also relied on for the submissions.

Learned counsel for the 1st Respondent further contended that Exhibit FILE D was dumped on the Tribunal and it contains photocopies of documents, uncertified as required by law, for which, exhibit FILE D should be expunged from the record of the Tribunal, citing the case of **Benyo vs. Njidda (12204) sic FWLR (Pt. 192) 10 ratio 14 page 63 paras A – B**. In the opinion of learned counsel for the 1st Respondent, the evidence of Pw2, who is not the maker of exhibit EC9 and FILE D amounts to inadmissible hearsay, and should be discountenanced.

Learned counsel for the 1st Respondent turned his attention to the Court of Appeal decision in CA/A/304/2019, viz Adeleke v. Raheem. The said judgment, as earlier indicated in this judgment is inadmissible and has been marked exhibit 2R.RW4 rejected. In that regard, there is no evidence on which the arguments of learned counsel for the 1st Respondent would be predicated, and we hereby so hold.

Learned counsel for the Respondent concluded that issue 1 be resolved in favour of the Respondents and against the Petitioners.



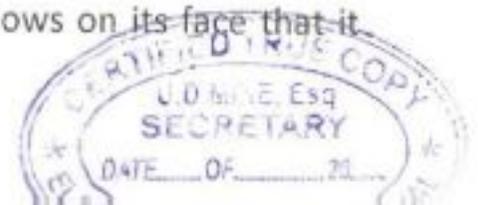
Similar arguments were canvassed by learned counsel for the 2nd and 3rd Respondents in respect of issue 1 of the issues for determination in their respective final written address. I shall however, refer to, and consider the arguments of learned counsel for the 2nd and 3rd Respondents, where such arguments were not part of the arguments of learned counsel for the 1st Respondent on issue 1 under consideration.

We find no such arguments in the final written address of the 2nd Respondent. What we have seen in it is the case of **Ape vs. Elebeke (2022) 10 NWLR (Pt. 1837) 1 at 48 paras E – H** on the burden of proof of a false document.

Learned counsel for the 3rd Respondent, as earlier stated made arguments similar to the arguments made by learned counsel for the 1st Respondent in respect of issue 1 under consideration. He added the authorities of **Audu vs. INEC (No.2) 13 NWLR (Pt. 1212) 456** without indicating the year of the Law Report, See page 6 of the final written address of the 3rd Respondent, **ADP & Anor vs. INEC & Ors (2021) LPELR-54278 (CA) 22 – 23; APC vs. PDP (2015) 15 NWLR (Pt. 1481) 1 at 66 – 67 paras H – D; Omoh vs. Ekpa (2019) 5 NWLR (Pt. 1696) 504 at 537 paras D – H**; and a list of other judicial authorities in respect of what constitutes proof of forgery of a document.

Learned counsel for the 2nd and 3rd Respondents, like learned counsel for the 1st Respondent, urged on this Tribunal to resolve issue 1 in favour of the Respondents and against the Petitioners, and in the process, dismiss the petition on the said issue.

Learned counsel for the Petitioners, Fagbemi SAN, argued contrariwise to the submissions of learned counsel for the Respondents. He contended that the 2nd Respondent was not qualified to contest the election of 16th day of July 2022, and did present forged documents in that regard. Exhibits EC9, EC91, EC(12) and FILE D was referred to by learned counsel along with the evidence of RW3, under cross examination to show that Osun State was created in 1991, and as such, any document showing Osun State before 1991 is a forgery, moreso, that exhibit EC9 with the attestation letter dated 12th day of May, 2016 shows on its face that it



was issued by Ede Muslim High School as against Ede Muslim Grammar School which the 2nd Respondent stated to have attended from 1976 to 1981.

In addition, learned counsel for the Petitioners has submitted that RW3, who testified for the 2nd Respondent tendered and exhibits 2R.RW6 and 2R.Rw9 were admitted in evidence, which were the information contained in exhibit EC9 – EC(1) and EC(12). According to learned counsel for the Petitioners, the said exhibits were not issued by the RW2 or RW3, by reason of which, their evidence amounts to documentary hearsay, incapable of any probative value in the petition, citing in support Section 37 of the Evidence Act (Supra), and the cases of *Okereke vs. Umaru* (2016) 11 NWLR (Pt. 1524) 438 at 489, paras G – H; *Buhari vs. Obasanjo* (2005) 13 NWLR (Pt. 941) 1 at 317; *Doma vs. INEC* (2012) All FWLR (Pt. 628) 813 at 829; *Nya vs. Edem* (2005) 4 NWLR (Pt. 915) 345 at 370A; *Onovo vs. Mba* (2014) 14 NWLR (Pt. 1427) 391 at 417 para C – E; *Olalemi Industries vs. NIDB* (2002) 17 NWLR (Pt. 795) 58 at 84 – 8; *Kala vs. Potiskum* (1998) 3 NWLR (Pt. 540) 1 at 15 – 16 and *Olaiya vs. State* (2018) 10 NWLR (Pt. 1616) 1 at 234 for the submissions.

In addition, learned counsel for the Petitioners submitted that exhibits 2R.RW7, 2R.RW8 and 2R.RW10 were not presented to the 1st Respondent at the time of the election, and cannot be smuggled into the petition at the back door to show qualification of the 2nd Respondent to contest the election, citing in support, Section 134(1)a of the Electoral Act (Supra) for the submission.

Furthermore, learned counsel for the Petitioners submitted that the 2nd Respondent did not tender before the Tribunal, the letter of Evaluation of the Certificates of the 2nd Respondent from the Atlanta Metropolitan State College and the Penn Foster Diploma, which amounts to withholding evidence, contrary to Section 167(d) of the Evidence Act, and the cases of *Aremo vs. Adefori* (2007) 16 NWLR (Pt. 1060) 244 at 261 H; *Buhari vs. Obasanjo* (2005) 13 NWLR (Pt. 941) 1 at 198 G; *Tsokwa Motors (Nig) Ltd vs. Awoniy* (199) 1 NWLR (Pt. 586) 199 at 207 D.

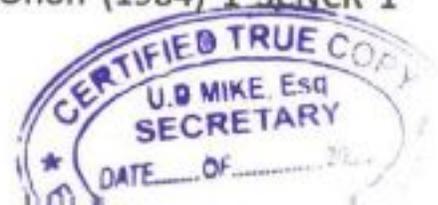


Exhibit 2R.RW4, the judgment of the Court of Appeal, as earlier stated in the judgment is an inadmissible document, and has been rejected in evidence. Thus, the submissions of learned counsel for the Petitioners, like those of the Respondents, would not be referred to and considered in this judgment.

Learned counsel for the Petitioners referred to the evidence of the Pw2 in paragraph 30(i)(ii) of his Statement on oath, the admission made by RW3 that Osun State was created in 1991 and exhibit FILE D to submit that the Petitioners have proved forgery of the certificates presented by the 2nd Respondent to the 1st Respondent for the election held on the 16th day of July, 2022. Section 182(1) of the Constitution of Nigeria (Supra) as amended, the cases of **UBN Plc vs. Govt. Anambra State (2019) 15 NWLR (Pt. 1695) 227; Omeregbe vs. Lawani (1980) 3 – 4 SC 108 at 117; Modibbo vs. Usman (2020) 3 NWLR (Pt. 1712) 470 at 509 F – H; and 510A; PDP vs. Degi-Eremienyo (2021) 9 NWLR (Pt. 1781) 274 at 292 A – C** are cited for the submission.

On issue 2 of the issues for determination, learned counsel for the 1st Respondent has submitted that the Petitioners have failed to discharged the burden of proof placed in them in proof that the 2nd Respondent was not validly elected by a majority of lawful votes cast at the election of 16th day of July 2022, relying on Section 131 and 132 of the Evidence Act, (Supra), and the cases of **Enterprise Bank Ltd vs. Rola Oil Ltd & Ors (2019) LPELR-49427 (CA)**.

In addition, learned counsel for the 1st Respondent contended that the Petitioners, who are challenging the correctness of the election in 749 Polling Units in 10 Local Governments of Osun State has the obligation to tender all the relevant documents, like the voters register, forms EC40A, EC40B, EC40C and the BVAs Machines used in the election, which was not done, as such, the presumption of regularity that enures in favour of the declaration of results made by the 1st Respondent, in favour of the 2nd Respondent has not been rebutted by the evidence of the Petitioners witnesses, citing in support, Section 168(1) of the Evidence Act (Supra), and the cases of **Fidelity Bank Plc vs. The M.T. Tazora (2018) 12 NWLR (Pt. 1632) 135 at 148, Nwobodo vs. Onoh (1984) 1 SCNCR 1**



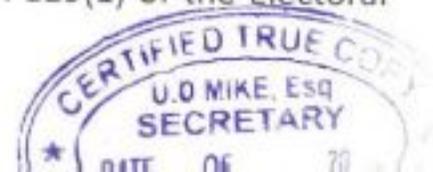
(1984) All NCR 1 – 2, *Buhari vs. Obasanjo* (2005) 13 NWLR (Pt. 947) 1 at 255 para B – C; *Abaraonye vs. Emeana* (2008) 10 NWLR (Pt. 1096) 496; *Mohammed vs. Mohammed* (2008) 6 NWLR (Pt. 1082) 73; *Okolugbo vs. Ise* (2006) (2006) 8 NWLR (Pt. 982) 303; *Adun vs. Osunde* (2003) 16 NWLR (Pt. 847) 643 are cited for the submission.

Again, learned counsel for the 1st Respondent submitted that the failure of the Petitioners to tender all the necessary documents used in the election renders the petition not proved, relying on *Abubakar vs. Yar Adua & Ors* (2008) 19 NWLR (Pt. 1120) 1 at 123 paras E – G, for the submission, such that, where there is no proper tabulation of the registered voters, the total number of votes cast and the votes scored by each candidate in each of the Polling Units challenged by the Petitioners, the petition cannot be said to have been proved, citing for the submission the case of *Anozie vs. Obichere* (2005) LPELR-747817 para C.

According to learned counsel for the 1st Respondent, the failure of the Petitioner to call the evidence of the Polling agents of the Petitioners at the Polling Units challenged or any other person who witnessed what took place at each of the Polling Units aforesaid, is a vice which renders the petition of the Petitioners devoid of proof, calling in aid, the cases of *Buhari vs. INEC & Ors* (2008) 9 NWLR (Pt. 1100) at 246 at 424; *Agballah vs. Chime* (2009) 1 NWLR (Pt. 1122) 373 for the submission. In that regard, in the opinion of learned counsel for the 1st Respondent, Section 137 of the Electoral Act (Supra) does not relieve the Petitioners of the burden of calling Polling Units agents in proof of the allegation of over voting in the said Polling Units, for which, the Respondents have no burden to call evidence to the contrary of such results, Section 133(2) of the Evidence Act (Supra), and the case of *Funtua vs. Tijani* (2011) 7 NWLR (Pt. 1245) 130 at 146 are cited for the submission.

Learned counsel for the 1st Respondent urged on the Tribunal to resolve issue 2 in favour of the Respondents and against the Petitioners.

Issue 3 of the issues for determination is in respect of Section 135(1) of the Electoral Act (Supra) which is *impari materia* with Section 129(1) of the Electoral

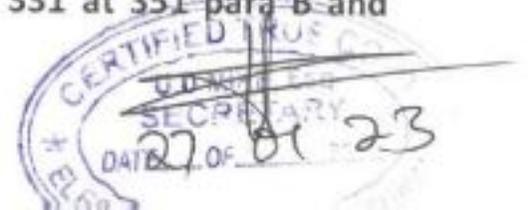


Act 2010 (as amended) which has now been repealed, by virtue of the Electoral Act, 2022. The said issue also relates to the Constitution of Nigeria (Supra), and the guidelines and manual for Election Official 2022, exhibit 1 in the petition.

Learned counsel for the 1st Respondent referred to the aforesaid statutes and submitted that the elections of 16th day of July, 2022 was done in substantial compliance with the said extant statutes, and that the over voting admitted by the 2nd Respondent in 6 Polling Units of Osun State did not materially affect the result of the election, and thus, the ground 2 and 3 of the petition should be dismissed. The cases of *Adesina & Anor vs. INEC & Ors (2019) LPELR-486621* without indicating the court; *Akeredolu vs. Mimiko (2014) 1 NWLR (Pt.1388) 402* at 452 paras F – G, 453 – 454 paras G – B, *Oraekwe vs. Chukwuma (2012) 1 NWLR (Pt.1280) 169* are cited for the submissions.

Referring to the cases of *Ezeanuma vs. Onyema (2011) 13 NWLR (Pt.1263) 36* at 69 and *Oke vs. Mimiko (No.2) (2014) 1 NWLR (Pt. 1388) 368* paras F – G, learned counsel for the 1st Respondent submitted that this Tribunal should examine the pleadings of the Petitioners, the evidence of Pw1 and Pw2 and attach no probative value to the evidence of the Petitioners, there being no eye witness account by Polling agents at the Polling Units, in any of the 749 Polling Units being challenged by the Petitioners in this petition. According to learned counsel for the 1st Respondent, the evidence of Pw1 and Pw2 amounts to hearsay, relying on *Kakih vs. PDP & Ors (2014) LPELR-23277 (SC) 46 – 47* paras C – C, *Gundiri vs. Nyako (2014) 2 NWLR (Pt. 1391) 211* at 245 for the submission.

On the evidence of Pw1, learned counsel for the 1st Respondent submitted that the Pw1 did not take any part in the election in any of the contested 749 Polling Units, except voting at his Polling Unit, thereby making his opinion on his examination of the forms EC8A, EC8B, EC8C Series and exhibit BVR an opinion devoid of any evidential value, citing Section 67 and 68 of the Evidence Act, and the cases of *A.N.P.P vs Usman (2008) 12 NWLR (Pt. 110) 1* at 68 paras C – D; *Akeredolu & Anor vs. Mimiko & Ors (2013) LPELR-20889 (CA)*; *Barewa Pharmaceuticals Ltd vs. FRN (2019) 9 NWLR (Pt. 1677) 331* at 351 para B and



that of *Aina vs. Jinadu (1922) 4 NWLR (Pt. 233) 91 at 107 – 108* for the submission.

It is also submitted by learned counsel for the 1st Respondent that the evidence of Pw1 and Pw2 is at variance with the pleadings of the Petitioners and that there are internal conflicts in the case of the Petitioners, thereby rendering the said petition of doubtful value, citing *Oke vs. Mimiko (No. 2) (Supra)*, and that of *Osuji vs. Ekeocha (2009) 10 SCM 1- 202 (P. 116 paras D – E)* for the submission.

On paragraph 43 of the pleadings of the Petitioners, learned counsel for the 1st Respondent has submitted that the allegations therein of falsification of form EC8A when compared with the BVAs are criminal allegations, without particulars, and as such, the said pleadings is not proved. In addition, the Polling agents of the Petitioners who signed the said forms EC8As have not disowned the said signatures or alleged coercion in signing them, thus, the said allegation must be proved beyond reasonable doubt, which proof has not been done by the Petitioners, citing *Gundiri vs. Nyako (2014) 2 NWLR (Pt. 1391) 211 – 246* for the submission.

According to the learned counsel for the 1st Respondent, the allegation contained in paragraph 43 of the petition cannot be served from the question of non-compliance with the Electoral Act, for which, the standard of proof of same is beyond reasonable doubt, citing the case of *Oke vs. Mimiko (No. 2)* for the submission.

On the defence of the 1st Respondent, learned counsel for her submitted that the various forms used by her in the election under question, along with exhibits R.BVR and the BVAs Machines used in the elections prove that the said election was conducted in substantial compliance with the provisions of the Constitution of Nigeria (as amended), the Electoral Act (Supra) and the other extant laws and regulations made in respect thereof, and further that the Petitioners did not exhaust the internal dispute resolution mechanism provided



under Section 64(6) of the Electoral Act (Supra), before bringing the petition, for which, the petition is pre mature and should not be entertained.

The cases of **Anyanwu vs. Unijos (2015) 1 CAR 012 paras E – F; Unilorin vs. Akintola (2007) 17 NWLR (Pt. 1064) 547 – 548 paras F – E, page 312 paras E – F** are cited for the submission.

Learned counsel for the 1st Respondent also referred to the evidence of RW1, paragraph 50(i) to (xx), specifically to (ii), (iv), (v), (vi), (vii), (x), (xii), (xiii), (xvi), (xvii) and (xviii) and the exhibits and submitted that the evidence of the Respondents is more credible to that of the Petitioners, and should be believed and acted on, contrary to that of the Petitioners, and as such, the petition should be dismissed. The cases of **Uwa vs. Emele (1999) 4 NWLR (Pt. 600) 677 at 691** in cited for the submission.

Learned counsel for the 2nd Respondent, Dr. Ikpeazu SAN, on his part has submitted that there has been no over voting as alleged by the Petitioners in the 749 Polling Units under contention in the petition. According to him, the evidence of Pw1, who examined forms EC8A, EC8B, EC8C, EC8D and EC8E is based on a BVAs report, obtained in the 17th day of July 2022, contrary to exhibit BVR which was made on 26/7/2022 by RW1 and certified on 27th day to July 2022. As such, there is no support on which the case of the Petitioners would be based, there being no BVAs report of 17th day of July 2022. That failure to produce the BVAs report of 17th day of July 2022 amount to withholding evidence citing in support, Section 167(d) of the Evidence Act (Supra), and the case of **ATBU vs. Oboh (2020) LPELR-4999 (CA)** for the submission.

The Petitioners, learned counsel for the 2nd Respondent further submitted must succeed on the strength of their case, and where such is not done, the Respondents have no obligation to call evidence in defence, citing the case of **Andrew vs. INEC (2017) LPELR-48518 (SC)** for the submission.

Learned counsel for the 2nd Respondent turned his attention to the quality of the evidence of Pw1 and Pw2. According to learned counsel for the 2nd



Respondent, the Petitioners should have called evidence of the Polling Units agents who witnessed what happened at the 749 Polling Units in question, and not that of Pw1 and Pw2 who were not at the said Polling Units and did not operate the BVAs Machines, and that exhibit BVR was dumped at the trial without demonstrating it, citing the cases of **Abubakar vs. Yar Adua (2008) 19 NWLR (Pt. 1120) 1 at 155; Adewale vs. Olaifa (2012) 17 NWLR (Pt. 1125) 264 at 515 para F** for the submission. According to learned counsel for the 2nd Respondent, Section 137 of the Evidence Act (Supra) *“..... did not and could not have obliterated the burden of proof, which is always established by Evidence Act 2011”* for the Petitioners to call credible evidence in proof of their petition, and that the judicial powers of this Tribunal cannot be taken away by Section 137 of the Electoral Act, citing in support the case of **Anene vs. State (2022) LPELR-SC** without the page assigned to the said law report. See pages 20 -21 of the final written address of the 2nd Respondent filed on the 31st day of December, 2022 for the submission.

Besides, learned counsel for the 2nd Respondent has submitted that, Pw1 and Pw2 cannot in their evidence cannot lump together matters within their personal knowledge, with matters which were relayed to them by other sources, without specifically complying with Section 115(3) of the Evidence Act (Supra) and the cases of **Gundiri vs. Nyako (2014) 2 NWLR (Pt. 1391) 211 at 243 – 244 paras E – A; and CAN vs. Nyako (2015) 18 NWLR (Pt. 1491) 352 at 384 – 385 paras H – D** are relied on for the submission.

In addition, learned counsel for the 2nd Respondents referred to the evidence of RW1 and submitted that exhibit BVR is an inchoate document, which had not been synchronized by INEC, by reason of which, it is unsafe to rely on it by the Tribunal in this petition. The cases of **Igbo vs. FRN (2020) LPELR-52294 (CA) 1 at 10 para G, Ajayi vs. Ojomo & Ors (2000) LPELR-817 (CA) 13 paras C – D and Oraka vs. Oraka & Anor (2022) LPELR-47675 (CA) 448 paras E – F** are cited for the submission.

Learned counsel for the 2nd Respondent further submitted that the evidence of Pw1 is unreliable. The reasons for such submission are that;

- i. His testimony is based on BVAs report of 17th day of July, 2022;
- ii. Under cross-examination, he stated that his evidence is based on BVAs report of 17th day of July 2022, and;
- iii. The receipt for the said BVAs report is made on 28th day of July 2022, thereby rendering the evidence of Pw1 with material contradiction, citing in support the case of **Kayili vs. Yilbuk (2015) 7 NWLR (Pt. 1457) 26 at 77 paras C – D; Adim vs. Osunde (2003) 16 NWLR (Pt. 847) 643 at 666 paras E – G.**

Still on the evidence of Pw1, learned counsel for the 2nd Respondent has submitted that Pw1 is a card carrying member of the 2nd Petitioner, and therefore a party interested in the outcome of the petition, contrary to Section 83(3) of the Evidence Act, and the cases of **Ladoja vs. Ajimobi (2016) 10 NWLR (Pt. 1519) 87 at 169 – 170 paras D – H.** In that regard, the evidence should be disregarded.

In addition, learned counsel for the 2nd Respondent submitted that Pw1 did not produce any certificates of his qualification as a statistician, by reason of which, Section 167(d) of the Evidence Act (Supra) should be invoked against him by the Tribunal.

On over-voting in the 749 Polling Units in question, learned counsel for the 2nd Respondent relied on the definition of over-voting contained in Section 51(2) and 47(2) of the Electoral Act (Supra), paragraphs 18 and 19 of exhibit 1, and submitted that a voter's register in each of the Polling Units under contention is mandatory in the determination of the question of over-voting in the election conducted on the 16th day of July, 2022. Learned counsel for the 2nd Respondent called in aid the cases of **Nyesom vs. Peterside (2016) LPELR-40036 SC 60 -62 paras A – B; Ladoja vs. Ajimobi (2016) 1 NWLR (Pt. 1519) 87 at 147 – 148 paras H – G** for the submission.

In the opinion of learned counsel for the 2nd Respondent, what is required in proof of over-voting under the Electoral Act (Supra) is the accreditation from the physical inspection of the BVAs Machines, the BVAs Machines themselves and



the voters register, as the presiding officers never worked with the BVAs report in making entries in the forms used in the elections resulting in the declaration and return of the 2nd Respondent as the duly elected Governor of Osun State. Learned counsel for the 2nd Respondent relied on Section 64(6) of the Electoral Act (Supra) for the submission. Exhibit BVR, According to learned counsel, being an inchoate document, cannot take precedence over exhibit R.BVR. Exhibits 2R.RW2, RWA, RWB and RWC along with the evidence of RW1 and RW2 prove that the elections of 16th day of July, 2022 was in substantial compliance with the Electoral Act (Supra), and the 2nd Respondent scored a majority of lawful votes in the said elections. Section 34(1)b of the Evidence Act (Supra), the case of **Sanyaolu vs. Coker (1983) SCNLR 168 of 178 – 17** are relied on for the submission.

Again, learned counsel for the 2nd Respondent submitted that the Petitioners did not challenge exhibit RWC, R.BVM Series and as such, the evidence of the 2nd Respondent's witnesses are true and should be believed by the Tribunal. The cases of **Gaji vs. Paye (2003) LPELR-1300 (SC)** and **Akpakpan vs. State (2021) 17 NWLR (Pt. 1805) 231 at 258 paras G – H** are cited for the submission.

Finally, learned counsel for the 2nd Respondent has submitted that Pw1 and Pw2 admitted that network and failure to engage the "send button" on the button on the BVAs Machines made it difficult to transmit data from the BVAs Machines to the back end server of the 1st Respondent, and by that, the case of the 2nd Respondent has been admitted by the Petitioners, relying on the cases of **NBA vs. Fobur (2006) 13 NWLR (Pt. 996) 196 at 213 paras G – H; and Iniama vs. Akpabio (2008) 17 NWLR (Pt. 1116) 225 at 344 paras H** for the submission.

Learned counsel for the 2nd Respondent urged on the Tribunal to dismiss the petition for lack of proof.

Learned counsel for the 3rd Respondent, Dr. Izinyon SAN, in respect of issues 2 and 3, in like manner, made the same submissions as that of learned counsel for the 2nd Respondent. We shall, however, highlights the arguments of



learned counsel for the 3rd Respondent, which were not done by learned counsel for the 1st and 2nd Respondents in their respective final written addresses.

The reason is not farfetched. A repetition of what learned counsel for the 1st and 2nd Respondents had canvassed in their final written address, already contained in this judgment, as the final written address of the 3rd Respondent will not add any value to the said arguments.

Learned counsel for the 3rd Respondent has submitted that Ground 2 of the petition is strictly on its own and does not admit of the evidence of non-compliance to prove same as they are distinct from each other, citing the cases of *Ogboru vs. Uduaghan* (2012) All FWLR (Pt. 651) 1479 at 1508; *Buhari vs. INEC & Ors* (2008) 19 NWLR (Pt. 1120) 246, *Faleke vs. INEC* (2016) 16 NWLR (Pt. 1543) 61 at 151 paras E – G; *Awuse vs. Odili* (2005) 16 NWLR (Pt. 952) 416 at 482, paras G – B; *Nwobodo vs. Onoh* (1984) 1 SCNLR 1 and *Oluwasogo & Anor vs. INEC & Ors* (2015) LPELR-49449 (CA) 29 at 33 paras L – A for the submission.

Learned counsel for the 3rd Respondent has submitted in paragraph 77 of page 17 of his final written address to the effect that only “.... the surviving exhibits 26 – 30..... for the 120 Polling Units out of the 749 Polling Units” in 10 Local Government Areas of Osun are admissible evidence, but, the said Polling Units cannot sustain the petition, as they are documentary hearsay, in that the Polling Units agent did not testify before this Tribunal. The cases earlier cited by learned counsel for the 1st and 2nd Respondents are also cited by learned counsel for the 3rd Respondents in his final written address.

We shall hereby adopt the arguments of learned counsel for the 1st and 2nd Respondents on the credibility of the evidence of Pw1 and Pw2, the presumption of regularity in favour of the official conduct of the 1st Respondent in the election in question and the admission of RW2 that it is only in 6 Polling Units that over voting recorded in the said election, as the arguments of learned counsel for the 3rd Respondents in his final written address.



On Section 137 of the Electoral Act (Supra), learned counsel for the 3rd Respondent, has submitted that the aforesaid section is a nullity, as it is in conflict with the Constitution of Nigeria (as amended) and the Evidence Act (Supra).

Learned counsel for the 3rd Respondent referred to the 2nd Schedule (Part 1) item 23 of the Constitution of Nigeria (Supra), and on the principle of law when an act of the National Assembly is inconsistent with the Constitution, namely; *Obasanjo vs. Yusuf & Ors* (2004) LPELR-21515 (SC) 62 paras A – B; *MPP vs INEC* (2015) LPELR-25706 (SC) 29 – 30; *INEC vs. Musa* (2003) NWLR (Pt. 806) 72 at 204 – 205, paras D – B; *PDP vs. CPC & Ors* (2011) LPELR -2909 (SC) 23; *President of FRN & Ors vs. Isa & Ors* (2015) LPELR-25981 without the court and page are cited for the submission.

In addition, learned counsel for the 3rd Respondent contended that the said Section 137 of the Electoral Act (Supra) is contrary to the doctrine of separation of powers, and a subversion of judicial authority, relying on *Unongo vs. Aku* (1981 - 1991) LRECNI, *Obasanjo vs. Yusuf* (Supra), and should be struck down by this Tribunal.

Relying on Section 135(1) of the Electoral Act (Supra), learned counsel for the 3rd Respondent submitted that it is only in “Substantial non-compliance” that an election would be nullified and not in “mere non-compliance”, and that the “substantial non-compliance” must be fundamental as to affect the result of the election, citing *Abubakar vs. INEC* (Supra), *Isiaka vs. Amosu* (2016) 9 NWLR (Pt. 1518) 417 at 441 – 442; *Buhari vs. Obasanjo* (Supra) for the submission.

Further, on Section 137 of the Electoral Act (Supra), learned counsel for the 3rd Respondent has submitted that the said section is subject to the Evidence Act (Supra), by reason of which, the general provision of the Section 137 of the Electoral Act (Supra), cannot supercede the specific provisions of the Evidence Act (Supra), relying on the cases of *FRN vs. Mamu* (2020) 15 NWLR (Pt.1741) 303 at 354 paras A – C; *Tijah vs. COP* (2022) LPELR-58173 (CA) 9 – 10 paras G – D; *Ogwuma & Ors vs. Unogwu* (2022) LPELR-57537 (CA) 1 at 29 paras C – F for the submission.



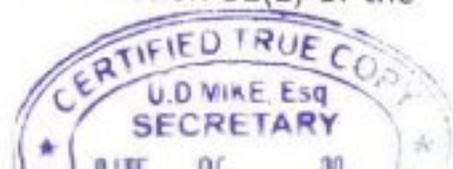
Referring to Section 131 (1) and (2) of the Evidence Act (Supra), and the cases of **Mohammed vs. Wammako (2018) 7 NWLR (Pt. 1819) 572 at 591 paragraph B; CPC vs INEC (2012) 13 NWLR (Pt. 1317) 260 at 290 paras E – G; 292 – 293 paras G – A**, learned counsel for the 3rd Respondent submitted that the claims of the Petitioners are declaratory in nature, and are not proved by admissions made by the adverse party to the said claims, but, by credible evidence from the Petitioners, which evidence, has been lacking in the case, moreso, that the documents tendered by the Petitioners have not manifestly, disclosed the substantial non-compliance alleged in ground 2 and 3 of the petition. The cases of **Enobuwa vs. Ezeife (1992) 4 NWLR (Pt. 236) 4171; Ajadi vs. Ajibola (2004) 16 NWLR (Pt. 898) 91 at 170 and Wali vs. Bafarawa (2004) 46 NWLR (Pt. 898) 1 at 42** amongst other authorities are cited for the submission.

Learned counsel for the 3rd Respondent referred to the state of the pleadings of the parties, vis a vis the documents tendered in proof or otherwise of same, and, concluded that the evidence of the Respondents preponderate to that of the Petitioners, and as such, the case of the Petitioners would be dismissed.

Learned counsel for the Petitioners addressed on issues 2 and 3 together in his final written address, in respect of the address filed by the Respondents.

According to learned counsel for the Petitioners, accreditations was not done in compliance with the provisions of Section 47(2) of the Electoral Act (Supra), thereby resulting in over voting as identified in 744 Polling Units, and not 749 Polling Units contained in the pleadings and the evidence of Pw1 and Pw2, relying on the case of **INEC vs. Oshiomole (2009) 4 NWLR (Pt. 1132) 607 at 675**.

Learned counsel for the Petitioners contended that the words of Section 47(4) are plain and unambiguous, and should be given their ordinary grammatical meaning, citing **Bakare vs. NRC (2007) 17 NWLR (Pt. 1064) 606**, and that the word "shall" appearing in the said Section 47(2) connotes a mandatory obligation on the part of the 1st Respondent in the use of the BVAs Machines deployed for the election, calling in aid **Amadi vs. NNPC (2000) 10 NWLR (Pt. 674) 76**. According to learned counsel for the Petitioners, Section 47(2) read with Section 52(2) of the



Electoral Act (Supra), have done away with the necessity of the use of a voters register, in an election under the Electoral Act (Supra), unlike what was the position under the repealed Electoral Act 2010, and as such, the authorities on the use of a voters register are inappropriate and inapplicable in the new Electoral Act (2022). Learned counsel for the Petitioners called in aid paragraphs 18(a) and 20 of exhibit 1 for the submission, stating thereby that the parties, and this Tribunal cannot import into the paragraphs or clauses 18(a) and 20 of exhibit 1 what is not contained therein. The cases of **NIWA vs. G.C.I.T.F (2008) 7 NWLR (Pt.1085) 109 at 121; Olowu vs. Abolore (1993) 5 NWLR (Pt.293) 255** are cited for the submission.

Referring to paragraph or clause 23(a) and (b) of exhibit 1, learned counsel for the Petitioners submitted that exhibit BVR, the BVAs report is the primary source of accreditation, and not the voters register, and same along with the various forms EC8A, EC8B, EC8C and EC8D are the only forms that are mandatory in determining what constitutes over voting in the election conducted on the 16th day of July, 2022 in Osun State in the 944 Polling Units in the 10 Local Governments challenged in the petition.

Besides, learned counsel for the Petitioners submitted that synchronization is unknown to the Electoral Act (Supra), and exhibit 1. Learned counsel for the Petitioners referred to Sections 64(4) and (5) read with Section 137 of the Electoral Act (Supra), to submit that the document exhibited as shown in exhibits SCH1, SHC2, SCH3 along with exhibit BVR were examined by Pw1 and Pw2 to demonstrate that over voting occurred in 744 Polling Units pleaded in the petition. In that regard, learned counsel submitted, it is not necessary to call oral evidence of the Polling Unit agents or presiding officers at the said 744 Polling Units to testify as to what happened at the said Polling Units in the use of the BVAs Machines.

Learned counsel for the Petitioners reasoned that the practice, and procedure under the repealed Electoral Act 2010 (as amended), and the decisions of courts made thereunder are inapplicable to the provisions of the Electoral Act



(Supra). Paragraph or clause 46(4) of the first schedule to the Electoral Act (Supra), is cited for the submission.

By the evidence in the various forms EC8A, EC8B, EC8C and EC8D, along with exhibit BVR which Pw1 and Pw2 examined, learned counsel for the Petitioners submitted, the table indicated in paragraph 6:19 of his final written address shows over voting in the 744 Polling Units of 10 Local Government Areas of Osun State in the election under question. The said table for ease of reference is hereby reproduced in the judgment thus:



TABLE GRAPHICALLY SHOWING THE OVER VOTING IN EACH OF THE DISPUTED POLLING UNITS

| S/NO | LGA NAME | WARD NO | POLLING UNIT NO | EXHIBIT NO. FOR THE (ECBA) PU RESULT | TOTAL VALID VOTES | REJECTED VOTES | TOTAL VOTES CAST/ (COLUMN 6+7+8) | PAGE AND SERIAL NO. OF THE PU IN EXH. BVR | NO. OF ACCREDITED VOTERS FOR THE PU IN EXH. BVR | DIFF. BTW TOTAL VOTE CAST AND ACCREDITED VOTER FOR THE PU IN EXH. BVR | VOTE SCORED BY APC AT PU | VOTE SCORED BY PDP AT PU |
|------|-----------|---------|-----------------|--------------------------------------|-------------------|----------------|----------------------------------|---|---|---|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 1 | EDE NORTH | 01 | 001 | OLA 1 | 215 | 2 | 217 | PG20, S/N557 | 215 | 2 | 73 | 138 |
| 2 | | | 002 | OLA 2 | 265 | 3 | 268 | PG20, S/N558 | 260 | 8 | 33 | 229 |
| 3 | | | 003 | OLA 3 | 252 | 6 | 258 | PG20, S/N559 | 254 | 4 | 68 | 181 |
| 4 | | | 004 | OLA 4 | 192 | 5 | 197 | PG20, S/N560 | 196 | 1 | 89 | 101 |
| 5 | | | 005 | OLA 5 | 179 | 0 | 179 | PG20, S/N561 | 177 | 2 | 54 | 123 |
| 6 | | | 007 | OLA 7 | 303 | 9 | 312 | PG20, S/N563 | 310 | 2 | 116 | 183 |
| 7 | | | 008 | OLA 8 | 317 | 12 | 329 | PG20, S/N564 | 325 | 4 | 148 | 163 |
| 8 | | 02 | 004 | ABS 4 | 285 | 6 | 291 | PG20, S/N570 | 290 | 1 | 71 | 206 |
| 9 | | | 006 | ABS 6 | 191 | 0 | 191 | PG20, S/N572 | 190 | 1 | 47 | 142 |
| 10 | | | 007 | ABS 7 | 155 | 1 | 156 | PG21, S/N573 | 150 | 6 | 44 | 108 |
| 11 | | | 008 | ABS 8 | 270 | 2 | 272 | PG21, S/N574 | 271 | 1 | 65 | 204 |
| 12 | | | 009 | ABS 9 | 244 | 1 | 245 | PG21, S/N575 | 241 | 4 | 23 | 218 |
| 13 | | | 010 | ABS 10 | 179 | 2 | 181 | PG21, S/N576 | 178 | 3 | 40 | 138 |
| 14 | | | 014 | ABS 14 | 169 | 4 | 173 | PG21, S/N580 | 164 | 9 | 25 | 140 |
| 15 | | | 017 | ABS 17 | 133 | 2 | 135 | PG21, S/N583 | 132 | 3 | 20 | 111 |
| 16 | | | 019 | ABS 19 | 105 | 1 | 106 | PG21, S/N585 | 105 | 1 | 33 | 68 |
| 17 | | | 022 | ABS 22 | 263 | 5 | 268 | PG21, S/N588 | 263 | 5 | 49 | 213 |
| 18 | | | 002 | OGU 2 | 256 | 4 | 260 | PG21, S/N590 | 258 | 2 | 96 | 157 |
| 19 | | 03 | 005 | OGU 5 | 179 | 1 | 180 | PG21, S/N593 | 179 | 1 | 56 | 119 |
| 20 | | | 006 | OGU 6 | 265 | 5 | 270 | PG21, S/N594 | 266 | 4 | 96 | 167 |
| 21 | | | 007 | OGU 7 | 177 | 2 | 179 | PG21, S/N595 | 176 | 3 | 63 | 112 |
| 22 | | | 008 | OGU 8 | 192 | 7 | 199 | PG21, S/N596 | 198 | 1 | 64 | 126 |
| 23 | | | 010 | OGU 10 | 352 | 5 | 357 | PG21, S/N598 | 356 | 1 | 139 | 209 |
| 24 | | | 011 | OGU 11 | 206 | 10 | 216 | PG21, S/N599 | 213 | 3 | 92 | 107 |
| 25 | | | 012 | OGU 12 | 220 | 4 | 224 | PG20, S/N600 | 220 | 4 | 80 | 138 |



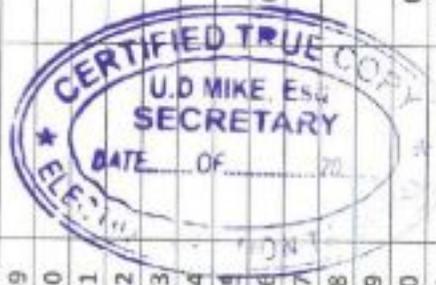
| | | | | | | | | | | | | |
|-----|-----------|----|-----|--------|-----|----|-----|-----------------|-----|----|-----|-----|
| 100 | EDE SOUTH | 01 | 001 | BAB 1 | 647 | 11 | 658 | PG.25; S/N. 696 | 639 | 19 | 94 | 544 |
| 101 | | | 002 | BAB 2 | 402 | 0 | 402 | PG.25; S/N. 697 | 399 | 3 | 72 | 322 |
| 102 | | | 003 | BAB 3 | 418 | 11 | 429 | PG.25; S/N. 698 | 428 | 1 | 115 | 295 |
| 103 | | | 004 | BAB 4 | 423 | 1 | 424 | PG.25; S/N. 699 | 411 | 13 | 107 | 312 |
| 104 | | | 005 | BAB 5 | 366 | 6 | 372 | PG.25; S/N. 700 | 360 | 12 | 105 | 252 |
| 105 | | | 006 | BAB 6 | 295 | 2 | 297 | PG.25; S/N. 701 | 293 | 4 | 67 | 222 |
| 106 | | | 007 | BAB 7 | 399 | 4 | 403 | PG.25; S/N. 702 | 395 | 8 | 92 | 298 |
| 107 | | | 008 | BAB 8 | 136 | 6 | 142 | PG.25; S/N. 703 | 117 | 25 | 4 | 130 |
| 108 | | | 009 | BAB 9 | 96 | 8 | 104 | PG.25; S/N. 704 | 70 | 34 | 23 | 68 |
| 109 | | 02 | 001 | KUY 1 | 246 | 4 | 250 | PG.25; S/N. 705 | 247 | 3 | 92 | 149 |
| 110 | | | 002 | KUY 2 | 416 | 5 | 421 | PG.25; S/N. 706 | 418 | 3 | 138 | 273 |
| 111 | | | 003 | KUY 3 | 335 | 8 | 343 | PG.25; S/N. 707 | 338 | 5 | 81 | 242 |
| 112 | | | 004 | KUY 4 | 336 | 6 | 342 | PG.25; S/N. 708 | 334 | 8 | 89 | 232 |
| 113 | | | 005 | KUY 5 | 111 | 6 | 117 | PG.25; S/N. 709 | 113 | 4 | 34 | 72 |
| 114 | | 03 | 001 | JAG 1 | 273 | 1 | 274 | PG.25; S/N. 710 | 272 | 2 | 77 | 190 |
| 115 | | | 002 | JAG 2 | 153 | 9 | 162 | PG.25; S/N. 711 | 158 | 4 | 21 | 129 |
| 116 | | | 003 | JAG 3 | 190 | 6 | 196 | PG.25; S/N. 712 | 189 | 7 | 40 | 147 |
| 117 | | | 004 | JAG 4 | 432 | 18 | 450 | PG.25; S/N. 713 | 446 | 4 | 100 | 325 |
| 118 | | | 005 | JAG 5 | 402 | 5 | 407 | PG.25; S/N. 714 | 396 | 11 | 78 | 319 |
| 119 | | | 006 | JAG 6 | 255 | 3 | 258 | PG.26; S/N. 715 | 255 | 3 | 45 | 203 |
| 120 | | | 007 | JAG 7 | 269 | 5 | 274 | PG.26; S/N. 716 | 271 | 3 | 50 | 214 |
| 121 | | | 008 | JAG 8 | 316 | 7 | 323 | PG.26; S/N. 717 | 316 | 7 | 72 | 238 |
| 122 | | | 009 | JAG 9 | 227 | 31 | 258 | PG.26; S/N. 718 | 254 | 4 | 59 | 163 |
| 123 | | | 010 | JAG 10 | 380 | 37 | 417 | PG.26; S/N. 719 | 406 | 11 | 64 | 311 |
| 124 | | | 011 | JAG 11 | 446 | 10 | 456 | PG.26; S/N. 720 | 438 | 18 | 58 | 374 |
| 125 | | | 012 | JAG 12 | 29 | 0 | 29 | PG.26; S/N. 721 | 20 | 9 | 6 | 23 |
| 126 | | | 013 | JAG 13 | 93 | 3 | 96 | PG.26; S/N. 722 | 87 | 9 | 36 | 55 |
| 127 | | | 014 | JAG 14 | 73 | 8 | 81 | PG.26; S/N. 723 | 73 | 8 | 13 | 58 |
| 128 | | | 016 | JAG 16 | 237 | 3 | 240 | PG.26; S/N. 725 | 211 | 29 | 40 | 193 |
| 129 | | 04 | 001 | LU 1 | 368 | 7 | 375 | PG.26; S/N. 726 | 372 | 3 | 95 | 266 |
| 130 | | | 003 | LU 3 | 349 | 6 | 355 | PG.26; S/N. 728 | 354 | 1 | 71 | 271 |
| 131 | | | 004 | LU 4 | 511 | 9 | 520 | PG.26; S/N. 729 | 507 | 13 | 89 | 412 |
| 132 | | | 005 | LU 5 | 356 | 10 | 366 | PG.26; S/N. 730 | 350 | 16 | 49 | 296 |
| 133 | | | 006 | LU 6 | 382 | 5 | 387 | PG.26; S/N. 731 | 376 | 11 | 112 | 264 |
| 134 | | | 007 | LU 7 | 376 | 12 | 388 | PG.26; S/N. 732 | 312 | 76 | 58 | 310 |
| 135 | | | 008 | LU 8 | 816 | 14 | 830 | PG.26; S/N. 733 | 785 | 45 | 111 | 684 |
| 136 | | | 009 | LU 9 | 515 | 8 | 523 | PG.26; S/N. 734 | 508 | 15 | 87 | 419 |



| | | | | | | | | | | | |
|-----|----|-----|---------|-----|----|-----|------------------|-----|-----|-----|-----|
| 248 | | 010 | ELE 3 | 8 | 0 | 8 | PG. 32, S/N. 896 | 7 | 1 | 0 | 7 |
| 249 | 02 | 001 | ELED 1 | 373 | 9 | 382 | PG. 32, S/N. 897 | 380 | 2 | 160 | 205 |
| 250 | | 004 | ELED 2 | 253 | 6 | 259 | PG. 33, S/N. 900 | 258 | 1 | 94 | 153 |
| 251 | | 005 | ELED 3 | 348 | 11 | 359 | PG. 33, S/N. 901 | 358 | 1 | 158 | 182 |
| 252 | | 006 | ELED 4 | 315 | 7 | 322 | PG. 33, S/N. 902 | 84 | 238 | 138 | 165 |
| 253 | | 007 | ELED 5 | 278 | 15 | 293 | PG. 33, S/N. 903 | 291 | 2 | 111 | 149 |
| 254 | | 009 | ELED 6 | 378 | 0 | 378 | PG. 33, S/N. 905 | 375 | 3 | 93 | 276 |
| 255 | | 010 | ELED 7 | 327 | 31 | 358 | PG. 33, S/N. 906 | 351 | 7 | 114 | 200 |
| 256 | | 016 | ELED 8 | 116 | 7 | 123 | PG. 33, S/N. 912 | 90 | 33 | 3 | 110 |
| 257 | | 017 | ELED 9 | 23 | 1 | 24 | PG. 33, S/N. 913 | 22 | 2 | 3 | 19 |
| 258 | | 018 | ELED 10 | 36 | 1 | 37 | PG. 33, S/N. 914 | 19 | 18 | 14 | 21 |
| 259 | | 019 | ELED 11 | 86 | 0 | 86 | PG. 33, S/N. 915 | 81 | 5 | 40 | 46 |
| 260 | | 020 | ELED 12 | 11 | 1 | 12 | PG. 33, S/N. 916 | 10 | 2 | 5 | 6 |
| 261 | 03 | 001 | EMEC 1 | 516 | 17 | 533 | PG. 33, S/N. 917 | 522 | 11 | 133 | 370 |
| 262 | | 002 | EMEC 2 | 299 | 12 | 311 | PG. 33, S/N. 918 | 307 | 4 | 105 | 184 |
| 263 | | 006 | EMEC 3 | 431 | 8 | 439 | PG. 33, S/N. 922 | 429 | 10 | 161 | 253 |
| 264 | | 007 | EMEC 4 | 465 | 15 | 480 | PG. 33, S/N. 923 | 478 | 2 | 179 | 271 |
| 265 | | 011 | EMEC 5 | 46 | 0 | 46 | PG. 34, S/N. 927 | 44 | 2 | 13 | 33 |
| 266 | | 012 | EMEC 6 | 35 | 1 | 36 | PG. 34, S/N. 928 | 35 | 1 | 5 | 28 |
| 267 | 04 | 001 | ELED 1 | 499 | 9 | 508 | PG. 34, S/N. 929 | 501 | 7 | 218 | 265 |
| 268 | | 003 | ELED 2 | 559 | 21 | 580 | PG. 34, S/N. 931 | 438 | 142 | 228 | 310 |
| 269 | | 004 | ELED 3 | 443 | 5 | 448 | PG. 34, S/N. 932 | 224 | 224 | 177 | 255 |
| 270 | | 006 | ELED 4 | 389 | 12 | 401 | PG. 34, S/N. 934 | 398 | 3 | 115 | 261 |
| 271 | | 007 | ELED 5 | 384 | 22 | 406 | PG. 34, S/N. 935 | 229 | 177 | 180 | 203 |
| 272 | | 008 | ELED 6 | 376 | 0 | 376 | PG. 34, S/N. 936 | 268 | 108 | 166 | 199 |
| 273 | | 011 | ELED 7 | 38 | 2 | 40 | PG. 34, S/N. 939 | 39 | 1 | 8 | 30 |
| 274 | | 012 | ELED 8 | 58 | 1 | 59 | PG. 34, S/N. 940 | 56 | 3 | 6 | 49 |
| 275 | | 013 | ELED 9 | 21 | 0 | 21 | PG. 34, S/N. 941 | 18 | 3 | 1 | 20 |
| 276 | 05 | 001 | ELAY 1 | 338 | 8 | 346 | PG. 34, S/N. 942 | 343 | 3 | 132 | 199 |
| 277 | | 002 | ELAY 2 | 390 | 6 | 396 | PG. 34, S/N. 943 | 192 | 204 | 173 | 207 |
| 278 | | 004 | ELAY 3 | 469 | 20 | 489 | PG. 34, S/N. 945 | 470 | 19 | 209 | 250 |
| 279 | 06 | 001 | AYA 1 | 457 | 20 | 477 | PG. 34, S/N. 952 | 474 | 3 | 188 | 259 |
| 280 | | 006 | AYA 2 | 312 | 2 | 314 | PG. 35, S/N. 957 | 312 | 2 | 141 | 163 |
| 281 | | 011 | AYA 3 | 20 | 2 | 22 | PG. 35, S/N. 962 | 21 | 1 | 8 | 11 |
| 282 | 07 | 003 | IFA 1 | 309 | 24 | 333 | PG. 35, S/N. 965 | 332 | 1 | 139 | 158 |
| 283 | | 004 | IFA 2 | 388 | 8 | 396 | PG. 35, S/N. 966 | 394 | 2 | 155 | 223 |
| 284 | | 007 | IFA 2 | 108 | 6 | 114 | PG. 35, S/N. 969 | 113 | 1 | 34 | 69 |



| | | | | | | | | | | | | |
|-----|-----|--------|-----|--------|-----|----|-----|------------------|-----|-----|-----|-----|
| 433 | | | 004 | OBUC 2 | 253 | 1 | 254 | PG 82, S/N 2293 | 251 | 3 | 85 | 139 |
| 434 | | | 008 | OBUC 3 | 208 | 6 | 214 | PG 82, S/N 2297 | 212 | 2 | 64 | 131 |
| 435 | | | 011 | OBUC 4 | 154 | 0 | 154 | PG 82, S/N 2300 | 152 | 2 | 55 | 60 |
| 436 | 04 | | 002 | OBUD 1 | 268 | 5 | 273 | PG 82, S/N 2302 | 272 | 1 | 85 | 152 |
| 437 | | | 003 | OBUD 2 | 203 | 5 | 208 | PG 82, S/N 2303 | 206 | 2 | 76 | 96 |
| 438 | | | 004 | OBUD 3 | 336 | 4 | 340 | PG 82, S/N 2304 | 336 | 4 | 89 | 220 |
| 439 | | | 006 | OBUD 4 | 351 | 5 | 356 | PG 82, S/N 2306 | 352 | 4 | 110 | 210 |
| 440 | | | 008 | OBUD 5 | 414 | 9 | 423 | PG 82, S/N 2308 | 415 | 8 | 163 | 183 |
| 441 | | | 010 | OBUD 6 | 458 | 6 | 464 | PG 82, S/N 2310 | 458 | 6 | 200 | 216 |
| 442 | | | 013 | OBUD 7 | 135 | 1 | 136 | PG 82, S/N 2313 | 126 | 10 | 46 | 85 |
| 443 | 05 | | 002 | BARA 1 | 356 | 0 | 356 | PG 82, S/N 2315 | 352 | 4 | 141 | 167 |
| 444 | | | 012 | BARA 2 | 97 | 3 | 100 | PG 83, S/N 2325 | 97 | 3 | 33 | 56 |
| 445 | 06 | | 004 | BARB 1 | 380 | 0 | 380 | PG 83 S/N 2329 | 335 | 45 | 111 | 226 |
| 446 | | | 005 | BARB 2 | 426 | 6 | 432 | PG 83, S/N 2330 | 401 | 31 | 188 | 212 |
| 447 | | | 011 | BARB 3 | 241 | 22 | 263 | PG 83, S/N 2336 | 260 | 3 | 90 | 132 |
| 448 | 07 | | 001 | ELRA 1 | 144 | 4 | 148 | PG 83, S/N 2339 | 147 | 1 | 45 | 98 |
| 449 | | | 002 | ELRA 2 | 177 | 0 | 177 | PG 83, S/N 2340 | 175 | 2 | 87 | 88 |
| 450 | | | 005 | ELRA 3 | 116 | 1 | 117 | PG 83, S/N 2343 | 116 | 1 | 53 | 63 |
| 451 | | | 007 | ELRA 4 | 112 | 1 | 113 | PG 84, S/N 2345 | 110 | 3 | 41 | 69 |
| 452 | | | 008 | ELRA 5 | 103 | 3 | 106 | PG 84, S/N 2346 | 103 | 3 | 38 | 61 |
| 453 | | | 010 | ELRA 6 | 194 | 1 | 195 | PG 84, S/N 2348 | 194 | 1 | 67 | 119 |
| 454 | | | 012 | ELRA 7 | 88 | 3 | 91 | PG 84, S/N 2350 | 90 | 1 | 39 | 47 |
| 455 | | | 013 | ELRA 8 | 222 | 6 | 228 | PG 84, S/N 2351 | 225 | 3 | 92 | 122 |
| 456 | 08 | | 002 | ELRB 1 | 267 | 3 | 270 | PG 84, S/N 2353 | 269 | 1 | 74 | 184 |
| 457 | | | 003 | ELRB 2 | 122 | 0 | 122 | PG 84, S/N 2354 | 121 | 1 | 28 | 89 |
| 458 | | | 004 | ELRB 3 | 231 | 7 | 238 | PG 84, S/N 2355 | 235 | 3 | 72 | 155 |
| 459 | | | 006 | ELRB 4 | 115 | 2 | 117 | PG 84, S/N 2357 | 114 | 3 | 46 | 66 |
| 460 | 09 | | 004 | ELRC 1 | 316 | 1 | 317 | PG 84, S/N 2366 | 87 | 230 | 120 | 186 |
| 461 | 010 | | 005 | ELRD 1 | 181 | 0 | 181 | PG 85, S/N 2378 | 178 | 3 | 82 | 97 |
| 462 | 011 | | 003 | ELRE 1 | 158 | 13 | 171 | PG 85, S/N 2386 | 170 | 1 | 50 | 103 |
| 463 | | | 004 | ELRE 2 | 193 | 5 | 198 | PG 85, S/N 2387 | 197 | 1 | 51 | 138 |
| 464 | | | 005 | ELRE 3 | 147 | 2 | 149 | PG 85, S/N 2388 | 148 | 1 | 30 | 115 |
| 465 | 01 | OBOKUN | 001 | IBK 1 | 391 | 7 | 398 | PG.99; S/N.2798 | 396 | 2 | 188 | 195 |
| 466 | | | 002 | IBK 2 | 477 | 12 | 489 | PG.99; S/N.2799 | 488 | 1 | 219 | 247 |
| 467 | | | 003 | IBK 3 | 425 | 27 | 452 | PG.99; S/N.2800 | 447 | 5 | 181 | 235 |
| 468 | | | 007 | IBK 4 | 294 | 8 | 302 | PG.99; S/N.2804 | 298 | 4 | 144 | 145 |
| 469 | | | 015 | IBK 5 | 27 | 0 | 27 | PG.100; S/N.2812 | 25 | 2 | 10 | 17 |



| | | | | | | | | | | | |
|-----|----|-----|--------|---------|-------|---------|------------------|---------|--------|--------|---------|
| 729 | | 003 | OTA 3 | 335 | 8 | 343 | PG 133, S/N 3732 | 342 | 1 | 143 | 180 |
| 730 | | 005 | OTA 5 | 258 | 3 | 261 | PG 133, S/N 3734 | 259 | 2 | 104 | 142 |
| 731 | | 010 | OTA 10 | 200 | 2 | 202 | PG 133, S/N 3739 | 198 | 4 | 75 | 120 |
| 732 | | 011 | OTA 11 | 334 | 11 | 345 | PG 133, S/N 3740 | 341 | 4 | 98 | 222 |
| 733 | | 012 | OTA 12 | 334 | 3 | 337 | PG 133, S/N 3741 | 332 | 5 | 135 | 191 |
| 734 | | 013 | OTA 13 | 132 | 1 | 133 | PG 133, S/N 3742 | 130 | 3 | 58 | 68 |
| 735 | | 014 | OTA 14 | 315 | 2 | 317 | PG 133, S/N 3743 | 314 | 3 | 141 | 164 |
| 736 | | 016 | OTA 16 | 209 | 0 | 209 | PG 134, S/N 3745 | 207 | 2 | 96 | 104 |
| 737 | | 017 | OTA 17 | 172 | 1 | 173 | PG 134, S/N 3746 | 169 | 4 | 46 | 121 |
| 738 | | 018 | OTA 18 | 242 | 6 | 248 | PG 134, S/N 3747 | 246 | 2 | 107 | 125 |
| 739 | | 019 | OTA 19 | 110 | 2 | 112 | PG 134, S/N 3748 | 95 | 17 | 33 | 66 |
| 740 | | 020 | OTA 20 | 73 | 2 | 75 | PG 134, S/N 3749 | 72 | 3 | 9 | 60 |
| 741 | | 021 | OTA 21 | 62 | 1 | 63 | PG 134, S/N 3750 | 61 | 2 | 7 | 50 |
| 742 | 15 | 002 | ERN 2 | 102 | 2 | 104 | PG 134, S/N 3752 | 102 | 2 | 44 | 55 |
| 743 | | 005 | ERN 5 | 117 | 0 | 117 | PG 134, S/N 3755 | 113 | 4 | 35 | 79 |
| 744 | | 010 | ERN 10 | 100 | 1 | 101 | PG 134, S/N 3760 | 97 | 4 | 45 | 50 |
| | | | TOTAL | 177,943 | 3,597 | 181,540 | | 171,386 | 10,154 | 60,096 | 112,705 |



Learned counsel for the Petitioners therefore urged on the Tribunal to resolve issues 2 and 3 in favour of the Petitioners, and against the Respondents, in granting the petition.

It should be noted that, Pw1 and Pw2 were not cross examined by learned counsel for any of the Respondent on their evidence that, they examined the forms EC8A, EC8B, EC8C and EC8D as contained in exhibit SCH1, SCH2 and SCH3. They were not confronted with any contrary evidence to the evidence contained in the said forms EC8A, EC8B, EC8C and EC8D and exhibit BVR. Specifically, the attention of Pw1 and Pw2 were not drawn to exhibits RWC, R.BVR1 – 129, 2R.RW2, R.BVM and R.BVM1 Series, to deny or confirm the facts in the said exhibits. See **Agbonifo v. Aiwereoba & Anor (1988) LPELR-245 (SC) 1 at 23-24, para G**, per Nnaemeka-Agu, JSC (of blessed memory).

The said forms EC8A, EC8B, EC8C and EC8D are certified copies of public documents made by the 1st Respondent in the election under consideration. Similarly, exhibits BVR, RWC and R.RVR are made by the 1st Respondent. This Tribunal would therefrom evaluate the said exhibits in the determination of the petition, notwithstanding the fact that the Polling Units agents and presiding officers, who were at the said Polling Units did not testify in this petition. See paragraph or clause 46(4) of the first schedule to the Electoral Act (Supra), earlier reproduced in the judgment.

We also wish to observe that the exhibits speaks for themselves. See **Aiki v. Idowu (2006) 9 NWLR (Pt. 984) 48 at 90**. The failure to call the Polling Units agents and presiding officers for the said election is therefore immaterial. The reason is not farfetched. The exhibits tendered and admitted contain enough facts and materials from which this Tribunal would make an informed decision on the matters in dispute. The said documentary evidence would also be used as a hanger to test the oral evidence of the parties in respect of the issues in dispute. See **Udo v. State (2018) LPELR-43707 (SC) 1 at 11 – 12, paras F – E; CBN v. DANTRANS (NIG) Ltd & Ors (2018) LPELR-46678 (CA) 1 at 11 – 16, paras B – D and Uzokwelu v. PDP & Ors (2018) LPELR-43767 (CA) 1 at 13 – 15, paras B – A**.



Thus, where documents exist in respect of any dispute, such documents prevail over the oral evidence of the parties. See Section 128(1) of the Evidence Act (Supra). See also **Agbareh & Anor v. Mimra & Ors (2008) LPELR-34211 (SC) 1 at 19 – 20 paras E – B; Ashakecem v. Asharatul Mubashshurun Investment Ltd (2019) LPELR-46541 9 (SC) 1 at 14 – 16, para D; Inakoju & Ors v. Adeleke & Ors (2007) LPELR – 1510 (SC) 1 at 28 – 30 paras, D – C; Faluyi & Ors v. Ogunseye & Ors (2019) LPELR-48015 (CA) 1 at 13 – 17, para B and Anagwu v. INEC & Ors (2010) LPELR-9127 (CA) 1 at 13 – 17, paras, E – A.**

Consequently, in the scores recorded against the parties herein, exhibit EC8D takes precedence over the scores stated by the Pw1 and Pw2 in their pleadings and evidence in court. Similarly, the 17th day of July, 2022 stated by the witness of the Petitioners as to when exhibit BVR was issued and obtained, being inconsistent with the dates on the said exhibits BVR is hereby discountenanced.

We have in the course of this judgment looked at and examined exhibits BVR, R.BVR, RWC and 2R.RW2. Exhibit BVR contains the facts in the 10 Local Governments and the Polling Units being challenged in the said Local Governments, it starts from pages 1 to 134.

For Ede North Local Government Area of Osun State, the Polling Units involved are contained from serial numbers 557 - 695 on pages 20 to 25 of exhibit BVR; Ede South Local Government Area of Osun State, the Polling Units involved are contained from serial numbers 696 – 796 from pages 25 – 29 of exhibit BVR; Egbedore Local Government Area of Osun State, the Polling Units involved are contained from serial numbers 797 – 886 from pages 29 – 32 of exhibit BVR; Ejigbo Local Government Area of Osun State, the Polling Units involved are contained from serial number 887 – 1019 from pages 32 – 37 of exhibit BVR; Ilesa West Local Government Area of Osun State, the Polling Units involved are contained from serial number 2141 to 2261 on pages 76 to 81 of exhibit BVR; Ila Local Government Area of Osun State, the Polling Units involved are contained from serial numbers 1885 – 2008 from pages 68 – 72 of exhibit BVR; Irepodun Local Government Area of Osun State, the Polling Units involved are contained from serial numbers 2262 – 2394 from pages 81 – 85 of

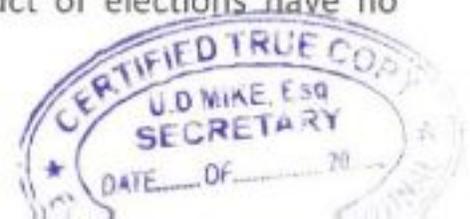


exhibit BVR; Obokun Local Government Area of Osun State, the Polling Units involved are contained from serial numbers 2798 – 2898 from pages 99 to 103 of exhibit BVR; Olorunda Local Government Area of Osun State, the Polling Units involved are contained from serial numbers 3081 -3273 from pages 109 – 116 of exhibit BVR and Osogbo Local Government Area of Osun State, the Polling Units involved are contained from serial numbers 3482 – 3763 from pages 124 – 134 of exhibit BVR.

For exhibit R.BVR1 – 129, it starts from page 1 to 129. It contains this information, thus; Ede North Local Government Area of Osun State, is from serial numbers 557 – 659 on pages 19 – 24 of the said exhibit; Ede South Local Government Area of Osun State, is from serial numbers 696 - 796 on pages 24 – 28 of the said exhibit; Egbedoro Local Government Area of Osun State, is from serial numbers 797 – 886 on pages 28 - 31 of the said exhibit; Ejigbo Local Government Area of Osun State, is from serial numbers 887 - 1019 on pages 31 - 35 of the said exhibit; Ilesa West Local Government Area of Osun State, is from serial numbers 2141 - 2260 on pages 74 – 78 of the said exhibit; Ila Local Government Area of Osun State, is from serial numbers 1885 - 2008 on pages 65 - 69 of the said exhibit; Irepodun Local Government Area of Osun State, is from serial numbers 2262 - 2394 on pages 78 - 83 of the said exhibit; Obokun Local Government Area of Osun State, is from serial numbers 2798 - 2897 on pages 96 -98 of the said exhibit; Olorunda Local Government Area of Osun State, is from serial numbers 3081 - 3273 on pages 105 - 112 of the said exhibit and Osogbo Local Government Area of Osun State, is from serial numbers 3482 - 3763 on pages 119 - 129 of the said exhibit.

Learned counsel for the Respondents, as earlier stated, submitted that exhibit BVR is an “inchoate and unsynchronized” document, which has been superseded by exhibits R.BVR1 - 129.

The said exhibit BVR does not contain the words “inchoate and unsynchronized”. Similarly, exhibit R.BVR 1 – 129 does not indicate on it that it is superior to exhibit BVR. The exceptions indicated in the proviso to Section 128(1) of the Evidence Act (Supra), are not apparent on exhibit BVR. The Electoral Act (Supra), exhibit 1, and the extant regulations made for the conduct of elections have no



provision for synchronization of accreditation and election result. What Section 64(4) of the Electoral Act (Supra) provide for is updating of election results.

Synchronization is defined as "1. to happen at the same time or to move at the same speed as something.....2. to link data files between one computer or mobile device and another so that the information in the files on both machines is the same....." See Oxford Advanced Learner's Dictionary New 9th Edition at page 1589

To synchronize therefore means to cause something to happen in a planned way at exact time. For example, the traffic light were synchronized to allow cars to go at 30 mph, or to occur or operate at the same time or rate; like soldiers using a watch to synchronize movement, or, like adjusting a clock or watch to show the same time as another.

Learned counsel for the Petitioners referred to exhibits EC8A Series and exhibit R.BVR 1 – 129 and submitted that there are material inconsistency between the said exhibits. He made a tabulation of the said facts on pages 34 – 35 of his final written address in response to the 1st Respondent final written address. The said table for ease of reference, is herein reproduced, thus;

"TABLE 2- TABLE SHOWING THE INCONSISTENCIES BETWEEN THE TOTAL VOTE CAST ON FORM EC8A SERIES AND ACCREDITATION IN EXHIBIT R.BVR 1 – 129 TENDRED BY THE RESPONDENT (Sic)

| S/N | LGA | WARD CODE | PU CODE | Total Votes Cast (Rejected + Valid Votes) on EC8A | Exhibit R-BVR 1-129 ACCREDITATION ON SYNCHRONIZED BVAS | OVERVOTING |
|-----|-----------|-----------|---------|---|--|------------|
| 1 | EDE NORTH | 2 | 6 | 191 | 190 | 1 |
| 2 | EDE NORTH | 4 | 5 | 428 | 427 | 1 |
| 3 | EDE NORTH | 5 | 8 | 402 | 399 | 3 |
| 4 | EDE NORTH | 5 | 17 | 427 | 401 | 26 |
| 5 | EDE NORTH | 7 | 4 | 327 | 325 | 2 |
| 6 | EDE NORTH | 7 | 6 | 416 | 415 | 1 |
| 7 | EDE NORTH | 7 | 7 | 344 | 343 | 1 |
| 8 | EDE SOUTH | 1 | 1 | 658 | 652 | 6 |

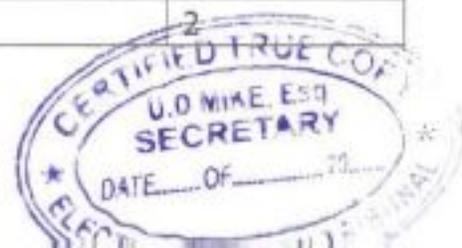


| | | | | | | |
|----|-----------|----|----|-----|-----|-----|
| 9 | EDE SOUTH | 1 | 3 | 429 | 428 | 1 |
| 10 | EDE SOUTH | 1 | 4 | 427 | 423 | 4 |
| 11 | EDE SOUTH | 1 | 7 | 404 | 401 | 3 |
| 12 | EDE SOUTH | 2 | 4 | 342 | 340 | 2 |
| 13 | EDE SOUTH | 3 | 8 | 323 | 321 | 2 |
| 14 | EDE SOUTH | 3 | 9 | 258 | 257 | 1 |
| 15 | EDE SOUTH | 3 | 10 | 417 | 416 | 1 |
| 16 | EDE SOUTH | 4 | 4 | 520 | 519 | 1 |
| 17 | EDE SOUTH | 4 | 6 | 387 | 382 | 5 |
| 18 | EDE SOUTH | 4 | 7 | 388 | 313 | 75 |
| 19 | EDE SOUTH | 4 | 8 | 830 | 793 | 37 |
| 20 | EDE SOUTH | 5 | 5 | 361 | 360 | 1 |
| 21 | EDE SOUTH | 7 | 5 | 417 | 414 | 3 |
| 22 | EDE SOUTH | 8 | 4 | 347 | 338 | 9 |
| 23 | EDE SOUTH | 8 | 5 | 374 | 373 | 1 |
| 24 | EDE SOUTH | 9 | 2 | 375 | 371 | 4 |
| 25 | EGBEDORE | 1 | 1 | 432 | 431 | 1 |
| 26 | EGBEDORE | 1 | 2 | 299 | 295 | 4 |
| 27 | EGBEDORE | 2 | 2 | 285 | 284 | 1 |
| 28 | EGBEDORE | 3 | 2 | 258 | 255 | 3 |
| 29 | EGBEDORE | 4 | 3 | 558 | 556 | 2 |
| 30 | EGBEDORE | 4 | 4 | 574 | 572 | 2 |
| 31 | EGBEDORE | 4 | 6 | 698 | 695 | 3 |
| 32 | EGBEDORE | 5 | 1 | 326 | 324 | 2 |
| 33 | EGBEDORE | 6 | 1 | 411 | 408 | 3 |
| 34 | EGBEDORE | 6 | 4 | 343 | 342 | 1 |
| 35 | EGBEDORE | 9 | 2 | 538 | 497 | 41 |
| 36 | EGBEDORE | 10 | 1 | 657 | 654 | 3 |
| 37 | EGBEDORE | 10 | 2 | 533 | 530 | 3 |
| 38 | EGBEDORE | 10 | 4 | 378 | 369 | 9 |
| 39 | EJIGBO | 2 | 9 | 379 | 378 | 1 |
| 40 | EJIGBO | 3 | 1 | 533 | 529 | 4 |
| 41 | EJIGBO | 3 | 6 | 432 | 430 | 2 |
| 42 | EJIGBO | 3 | 7 | 480 | 478 | 2 |
| 43 | EJIGBO | 4 | 3 | 580 | 438 | 142 |
| 44 | EJIGBO | 4 | 4 | 448 | 224 | 224 |
| 45 | EJIGBO | 4 | 7 | 406 | 229 | 177 |
| 46 | EJIGBO | 4 | 8 | 376 | 268 | 108 |
| 47 | EJIGBO | 5 | 2 | 395 | 192 | 203 |
| 48 | EJIGBO | 5 | 4 | 476 | 474 | 2 |
| 49 | EJIGBO | 7 | 4 | 396 | 394 | 2 |
| 50 | EJIGBO | 8 | 1 | 475 | 474 | |



| | | | | | | |
|----|------------|----|----|-----|-----|-----|
| 51 | EJIGBO | 8 | 5 | 481 | 470 | 11 |
| 52 | EJIGBO | 9 | 6 | 493 | 492 | 1 |
| 53 | EJIGBO | 9 | 7 | 430 | 424 | 6 |
| 54 | EJIGBO | 9 | 8 | 390 | 389 | 1 |
| 55 | EJIGBO | 10 | 1 | 431 | 426 | 5 |
| 56 | EJIGBO | 10 | 4 | 497 | 353 | 144 |
| 57 | EJIGBO | 10 | 5 | 299 | 298 | 1 |
| 58 | EJIGBO | 10 | 8 | 377 | 376 | 1 |
| 59 | ILA | 1 | 7 | 237 | 236 | 1 |
| 60 | ILA | 4 | 13 | 593 | 588 | 5 |
| 61 | ILESA WEST | 7 | 2 | 297 | 296 | 1 |
| 62 | ILESA WEST | 7 | 4 | 350 | 347 | 3 |
| 63 | ILESA WEST | 9 | 6 | 138 | 136 | 2 |
| 64 | IREPODUN | 2 | 3 | 395 | 263 | 132 |
| 65 | IREPODUN | 6 | 5 | 432 | 401 | 31 |
| 66 | OBOOKUN | 1 | 1 | 401 | 400 | 1 |
| 67 | OBOOKUN | 1 | 2 | 490 | 489 | 1 |
| 68 | OBOOKUN | 1 | 3 | 452 | 448 | 4 |
| 69 | OBOOKUN | 1 | 7 | 302 | 300 | 2 |
| 70 | OBOOKUN | 4 | 6 | 326 | 325 | 1 |
| 71 | OBOOKUN | 4 | 13 | 336 | 335 | 1 |
| 72 | OBOOKUN | 5 | 6 | 241 | 240 | 1 |
| 73 | OBOOKUN | 7 | 4 | 606 | 599 | 7 |
| 74 | OBOOKUN | 7 | 7 | 609 | 608 | 1 |

| | | | | | | |
|----|----------|---|----|-----|-----|-----|
| 75 | OBOOKUN | 7 | 9 | 420 | 419 | 1 |
| 76 | OBOOKUN | 7 | 10 | 604 | 601 | 3 |
| 77 | OLORUNDA | 1 | 1 | 560 | 558 | 2 |
| 78 | OLORUNDA | 1 | 16 | 69 | 67 | 2 |
| 79 | OLORUNDA | 1 | 26 | 398 | 345 | 53 |
| 80 | OLORUNDA | 2 | 2 | 313 | 311 | 2 |
| 81 | OLORUNDA | 2 | 9 | 308 | 307 | 1 |
| 82 | OLORUNDA | 3 | 9 | 299 | 289 | 10 |
| 83 | OLORUNDA | 5 | 1 | 296 | 294 | 2 |
| 84 | OLORUNDA | 6 | 9 | 302 | 301 | 1 |
| 85 | OLORUNDA | 8 | 3 | 744 | 738 | 6 |
| 86 | OLORUNDA | 8 | 5 | 518 | 512 | 6 |
| 87 | OLORUNDA | 8 | 6 | 526 | 520 | 6 |
| 88 | OLORUNDA | 8 | 7 | 533 | 520 | 13 |
| 89 | OLORUNDA | 8 | 14 | 390 | 162 | 228 |
| 90 | OLORUNDA | 8 | 20 | 507 | 506 | 1 |
| 91 | OSOGBO | 1 | 17 | 218 | 216 | 2 |



| | | | | | | |
|-----|--------|----|----|-----|-----|---|
| 92 | OSOGBO | 2 | 10 | 213 | 212 | 1 |
| 93 | OSOGBO | 3 | 14 | 209 | 208 | 1 |
| 94 | OSOGBO | 4 | 1 | 528 | 527 | 1 |
| 95 | OSOGBO | 4 | 2 | 630 | 628 | 2 |
| 96 | OSOGBO | 4 | 4 | 307 | 306 | 1 |
| 97 | OSOGBO | 4 | 22 | 290 | 287 | 3 |
| 98 | OSOGBO | 5 | 1 | 294 | 293 | 1 |
| 99 | OSOGBO | 5 | 16 | 331 | 330 | 1 |
| 100 | OSOGBO | 5 | 17 | 377 | 374 | 3 |
| 101 | OSOGBO | 6 | 2 | 333 | 332 | 1 |
| 102 | OSOGBO | 6 | 8 | 361 | 360 | 1 |
| 103 | OSOGBO | 7 | 4 | 201 | 200 | 1 |
| 104 | OSOGBO | 7 | 18 | 172 | 171 | 1 |
| 105 | OSOGBO | 8 | 3 | 327 | 325 | 2 |
| 106 | OSOGBO | 8 | 8 | 478 | 477 | 1 |
| 107 | OSOGBO | 8 | 11 | 286 | 285 | 1 |
| 108 | OSOGBO | 8 | 12 | 365 | 362 | 3 |
| 109 | OSOGBO | 11 | 9 | 412 | 411 | 1 |
| 110 | OSOGBO | 14 | 14 | 317 | 314 | 3 |
| 111 | OSOGBO | 14 | 16 | 213 | 209 | 4 |

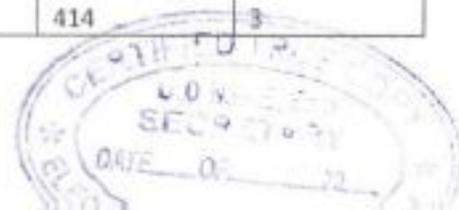
Learned counsel for the Petitioners has also submitted that there are inconsistencies in the physical report in exhibits RWC and R.BVR. He indicated the said inconsistencies on pages 18 – 21 of his final written address in response to the 2nd Respondent final written address. The said table, is hereby reproduced in this judgment, for ease of reference, thus;

"Table showing inconsistencies in the Physical inspection reports of Exhibit RWC and R.BVR

| S/N | LGA | LGA CODE | WARD NAME | WARD CODE | POLLING STATION LOCATION/NAME | PU CODE | physical inspection by INEC (EXH RWC) | Synchronized BVAS (R.BVR 1 - 129) | Difference in (RWC & R.BVR) |
|-----|-----------|----------|-----------------|-----------|-------------------------------|---------|---------------------------------------|-----------------------------------|-----------------------------|
| 1 | EDE NORTH | 7 | ABOGUNDE /SAGBA | 2 | 12 BISIKU LANE | 6 | 191 | 190 | 1 |
| 2 | EDE NORTH | 7 | OLUSOKUN | 4 | BESIDE OLODE MOSQUE | 5 | 428 | 427 | 1 |
| 3 | EDE NORTH | 7 | OLUSOKUN | 4 | OLUSOKUN COMPD. | 9 | 506 | 508 | -2 |
| 4 | EDE NORTH | 7 | ALUSEKERE | 5 | ALUSEKERE JUNCTION | 2 | 326 | 325 | 1 |
| 5 | EDE NORTH | 7 | ALUSEKERE | 5 | OWODE COMM. PRY SCHOOL, | 4 | 1,276 | 858 | 418 |



| | | | | | | | | | |
|----|-----------|---|-------------------|----|-------------------------------------|----|-----|-----|----|
| 6 | EDE NORTH | 7 | ALUSEKERE | 5 | IDI-OLOKE MOTOR PARK | 8 | 402 | 399 | 3 |
| 7 | EDE NORTH | 7 | ALUSEKERE | 5 | OPEN SPACE CELE JUNCTION, OWODE EDE | 17 | 427 | 401 | 26 |
| 8 | EDE NORTH | 7 | SABO/AGB ONGBE II | 7 | 12 ARMY BARRACK'S ROAD | 4 | 326 | 325 | 1 |
| 9 | EDE NORTH | 7 | SABO/AGB ONGBE II | 7 | BARRACKS JUNCTION | 6 | 416 | 415 | 1 |
| 10 | EDE NORTH | 7 | SABO/AGB ONGBE II | 7 | NO. 1, ALABI STREET, | 7 | 344 | 343 | 1 |
| 11 | EDE NORTH | 7 | ASUNMO | 10 | ALAPA JUNCTION, EDE | 1 | 375 | 373 | 2 |
| 12 | EDE NORTH | 7 | ASUNMO | 10 | INFRONT OF ASIPAODE COMPD. OLOSUN | 7 | 66 | 73 | -7 |
| 13 | EDE SOUTH | 8 | BABANLA/A GATE | 1 | L.A. SCHOOL, OBADA, EDE | 1 | 658 | 652 | 6 |
| 14 | EDE SOUTH | 8 | BABANLA/A GATE | 1 | AGATE SQUARE, EDE | 2 | 412 | 407 | 5 |
| 15 | EDE SOUTH | 8 | BABANLA/A GATE | 1 | BABANLA SQUARE, EDE | 3 | 430 | 428 | 2 |
| 16 | EDE SOUTH | 8 | BABANLA/A GATE | 1 | ALUKAGUN COMP. EDE | 4 | 424 | 423 | 1 |
| 17 | EDE SOUTH | 8 | BABANLA/A GATE | 1 | OLUMOLE'S COMP. EDE | 7 | 403 | 401 | 2 |
| 18 | EDE SOUTH | 8 | JAGUN/JAGUN | 3 | 42, OTEPE CCOMP. AGBANGUDU | 4 | 453 | 451 | 2 |
| 19 | EDE SOUTH | 8 | JAGUN/JAGUN | 3 | JAGUN AGO MOTOR PARK | 8 | 323 | 321 | 2 |
| 20 | EDE SOUTH | 8 | JAGUN/JAGUN | 3 | OLUN GBELE COMP. | 9 | 258 | 257 | 1 |
| 21 | EDE SOUTH | 8 | JAGUN/JAGUN | 3 | 16, ORITA AKALA | 10 | 417 | 416 | 1 |
| 22 | EDE SOUTH | 8 | ALAJUE I | 4 | ST. PETERS PRY. SCHOOL, EDE | 3 | 357 | 355 | 2 |
| 23 | EDE SOUTH | 8 | ALAJUE I | 4 | OBA LADYE GRAMMAR SCHOOL, EDE I | 4 | 520 | 519 | 1 |
| 24 | EDE SOUTH | 8 | ALAJUE I | 4 | ODE-OKE | 6 | 387 | 382 | 5 |
| 25 | EDE SOUTH | 8 | ALAJUE I | 4 | ADETOOTO STREET, (MARICAS JUNCTION) | 7 | 388 | 313 | 75 |
| 26 | EDE SOUTH | 8 | ALAJUE I | 4 | ANUOLU JUNCTION | 8 | 830 | 793 | 37 |
| 27 | EDE SOUTH | 8 | ALAJUE I | 4 | OPP. SEVENTH DAY I PRY. SCHOOL | 9 | 524 | 523 | 1 |
| 28 | EDE SOUTH | 8 | ALAJUE II | 5 | L.A. SCHOOL, ALAJUE II | 5 | 361 | 360 | 1 |
| 29 | EDE SOUTH | 8 | BABASANYA | 7 | BABASANYA COMP. EDE | 1 | 392 | 390 | 2 |
| 30 | EDE SOUTH | 8 | BABASANYA | 7 | AGBANU'S COMP. EDE | 2 | 436 | 435 | 1 |
| 31 | EDE SOUTH | 8 | BABASANYA | 7 | OLORIN JUNCTION, EDE | 5 | 417 | 414 | 3 |



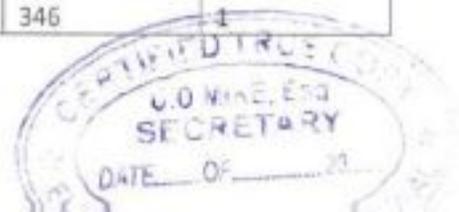
| | | | | | | | | | |
|----|-----------|---|------------------------------|----|--|----|-----|-----|------|
| 32 | EDE SOUTH | 8 | SEKONA | 8 | C.A.C. PRY. SCHOOL, SEKONA | 4 | 347 | 338 | 9 |
| 33 | EDE SOUTH | 8 | SEKONA | 8 | ST. PETER'S SCHOOL, SEKONA | 5 | 375 | 373 | 2 |
| 34 | EDE SOUTH | 8 | OLOKI/AKODA | 9 | L.A. PRY. SCHOOL, OLOKI | 2 | 375 | 371 | 4 |
| 35 | EGBEDORE | 9 | AWO/ABUDO | 1 | BAPTIST DAY PRY. SCHOOL, AWO | 1 | 432 | 431 | 1 |
| 36 | EGBEDORE | 9 | AWO/ABUDO | 1 | TOWN HALL, AWO | 2 | 299 | 295 | 4 |
| 37 | EGBEDORE | 9 | ARA II | 3 | ISALE AYO AREA, ARA | 2 | 258 | 255 | 3 |
| 38 | EGBEDORE | 9 | IDO-OSUN | 4 | IDO-OSUN DISPENSARY PREMISES | 3 | 557 | 556 | 1 |
| 39 | EGBEDORE | 9 | IDO-OSUN | 4 | IDO-OSUN DISPENSARY AREA | 4 | 574 | 572 | 2 |
| 40 | EGBEDORE | 9 | IDO-OSUN | 4 | NEW MOTOR PARK, IDO-OSUN | 6 | 699 | 695 | 4 |
| 41 | EGBEDORE | 9 | IRA GBERI I | 5 | IRAGBERI TOWN HALL | 1 | 326 | 324 | 2 |
| 42 | EGBEDORE | 9 | IRA GBERI I | 5 | EJEMU AREA | 2 | 354 | 351 | 3 |
| 43 | EGBEDORE | 9 | IRA GBERI II | 6 | BAPTIST DAY PRY. SCHOOL, IRAGBERI | 1 | 411 | 408 | 3 |
| 44 | EGBEDORE | 9 | IRA GBERI II | 6 | OLOSI AREA IRAGBERI | 3 | 303 | 370 | -67 |
| 45 | EGBEDORE | 9 | IRA GBERI II | 6 | DAODU AREA, IRAGBERI | 4 | 343 | 342 | 1 |
| 46 | EGBEDORE | 9 | OJO/ARO | 9 | BAPTIST DAY PRY SCHOOL, OJO | 1 | 445 | 437 | 8 |
| 47 | EGBEDORE | 9 | OJO/ARO | 9 | BAPTIST DAY PRY. SCHOOL, ARO | 2 | 538 | 497 | 41 |
| 48 | EGBEDORE | 9 | OKIN NI/OLORUN SOGO/OFA TEDO | 10 | DADA ESTATE OLORUNSOGO | 1 | 657 | 654 | 3 |
| 49 | EGBEDORE | 9 | OKIN NI/OLORUN SOGO/OFA TEDO | 10 | DADA ESTATE OLORUNSOGO | 2 | 533 | 530 | 3 |
| 50 | EGBEDORE | 9 | OKIN NI/OLORUN SOGO/OFA TEDO | 10 | OKUBANJO PRINTING PRESS AREA | 4 | 378 | 369 | 9 |
| 51 | EGBEDORE | 9 | OKIN NI/OLORUN SOGO/OFA TEDO | 10 | ISALE OSUN OFATEDO | 5 | 600 | 598 | 2 |
| 52 | EGBEDORE | 9 | OKIN NI/OLORUN SOGO/OFA TEDO | 10 | ST. GEORGES R.C.M PRY. SCHOOL, OFATEDO | 6 | 545 | 671 | -126 |
| 53 | EGBEDORE | 9 | OKIN NI/OLORUN SOGO/OFA TEDO | 10 | OKE-OJA OFATEDO | 7 | 550 | 549 | 1 |
| 54 | EGBEDORE | 9 | OKIN | 10 | Y.T.D. PRY. SCHOOL, | 10 | 938 | 951 | 12 |



| | | | NI/OLORUN SOGO/OFA TEDO | | OKINNI | | | | |
|----|--------|----|--------------------------------|----|----------------------------------|---|-----|-----|-----|
| 55 | EJIGBO | 10 | ELEJIGBO 'A' | 1 | R.C.M. PRY. SCHOOL | 3 | 461 | 460 | 1 |
| 56 | EJIGBO | 10 | ELEJIGBO 'B'/OSOLO | 2 | AROMADU | 6 | 324 | 322 | 2 |
| 57 | EJIGBO | 10 | ELEJIGBO 'C'/MAPO | 3 | BEULAH BAPT. SCHOOL, EJIGBO | 1 | 533 | 529 | 4 |
| 58 | EJIGBO | 10 | ELEJIGBO 'C'/MAPO | 3 | EJIGBO SECRETARIAT COMPLEX | 6 | 432 | 430 | 2 |
| 59 | EJIGBO | 10 | ELEJIGBO 'C'/MAPO | 3 | OPE OLORI MEJI | 7 | 480 | 478 | 2 |
| 60 | EJIGBO | 10 | ELEJIGBO 'D'/EJEMU | 4 | MAGISTRATE COURT | 3 | 580 | 438 | 142 |
| 61 | EJIGBO | 10 | ELEJIGBO 'D'/EJEMU | 4 | IDI-ORO JUNCTION | 4 | 448 | 224 | 224 |
| 62 | EJIGBO | 10 | ELEJIGBO 'D'/EJEMU | 4 | OKE ODO ILUPEJU I | 6 | 401 | 402 | -1 |
| 63 | EJIGBO | 10 | ELEJIGBO 'D'/EJEMU | 4 | OKE ODO ILUPEJU II | 7 | 406 | 229 | 177 |
| 64 | EJIGBO | 10 | ELEJIGBO 'D'/EJEMU | 4 | APANPA AJILA OSUNFIADE | 8 | 388 | 268 | 120 |
| 65 | EJIGBO | 10 | ELEJIGBO/A YEGBOGBO | 5 | EJIGBO SHOP COMPLEX | 1 | 346 | 345 | 1 |
| 66 | EJIGBO | 10 | ELEJIGBO/A YEGBOGBO | 5 | C.A.C.PRY. SCHOOL, 1 | 2 | 396 | 192 | 204 |
| 67 | EJIGBO | 10 | ELEJIGBO/A YEGBOGBO | 5 | AYEGBOGBO DISPENSARY | 4 | 489 | 474 | 15 |
| 68 | EJIGBO | 10 | OLA/AYE/A GURODO | 6 | OLA POSTAL AGENCY | 1 | 477 | 474 | 3 |
| 69 | EJIGBO | 10 | IFEODAN 'A'/OWU- ILE | 7 | OKE AFIN/IWO ATE, IFE-ODAN | 4 | 396 | 394 | 2 |
| 70 | EJIGBO | 10 | IFEODAN 'B'/MASIFA | 8 | LOGUN OKE-OLA | 1 | 482 | 474 | 8 |
| 71 | EJIGBO | 10 | IFEODAN 'B'/MASIFA | 8 | CO-OP. OFFICE, MASIFA | 5 | 472 | 470 | 2 |
| 72 | EJIGBO | 10 | ILAWO/ISO KO/ISUNDU NRIN | 9 | MOGBELERIN VILLAGE | 4 | 150 | 151 | -1 |
| 73 | EJIGBO | 10 | ILAWO/ISO KO/ISUNDU NRIN | 9 | ISUNDUNRIN BAPT. DAY SCHOOL, | 6 | 493 | 492 | 1 |
| 74 | EJIGBO | 10 | ILAWO/ISO KO/ISUNDU NRIN | 9 | ISUNDUNRIN COMM. BANK | 7 | 430 | 424 | 6 |
| 75 | EJIGBO | 10 | ILAWO/ISO KO/ISUNDU NRIN | 9 | ISUNDURIN ORI-OKE QUARTERS | 8 | 390 | 389 | 1 |
| 76 | EJIGBO | 10 | INISA I/AATO/IGB ON | 10 | AATO POSTAL AGENCY | 1 | 431 | 426 | 5 |
| 77 | EJIGBO | 10 | INISA I/AATO/IGB | 10 | D.C. SCHOOL, IGBON I | 4 | 497 | 353 | 144 |



| | | | | | | | | | |
|-----|---------------|----|------------------------------|----|---|----|-----|-----|-----|
| | | | ON | | | | | | |
| 78 | EJIGBO | 10 | INISA /AATO/IGB ON | 10 | INISA I BAPT. DAY SCHOOL | 8 | 377 | 376 | 1 |
| 79 | ILA | 17 | EJIGBO III | 3 | OGUNLADE JUNCTION | 7 | 511 | 510 | 1 |
| 80 | ILA | 17 | (SEDO I | 4 | SECRETARIAT | 13 | 589 | 588 | 1 |
| 81 | ILESA WEST | 19 | UPPER AND LOWER IGBOGI | 3 | UPPER IGBOGI (ASEDA'S HOUSE AREA) | 2 | 317 | 315 | 2 |
| 82 | ILESA WEST | 19 | ISOKUN | 5 | AFRICAN CHURCH GRAMMAR SCHOOL, AREA | 10 | 420 | 419 | 1 |
| 83 | ILESA WEST | 19 | IKOTI/ARAR OMI | 6 | AFRICAN JUBILEE PRY. SCHOOL, IKOYI | 1 | 436 | 434 | 2 |
| 84 | ILESA WEST | 19 | ILAJE | 7 | SPACE NEAR END OF TARRED ROAD, ISALE GEN. | 2 | 297 | 296 | 1 |
| 85 | ILESA WEST | 19 | ILAJE | 7 | OGEDENGBE COMM. HIGH SCHOOL | 4 | 350 | 347 | 3 |
| 86 | ILESA WEST | 19 | ILAJE | 7 | OPEN SPACE ALAJE'S HOUSE | 5 | 432 | 431 | 1 |
| 87 | ILESA WEST | 19 | ILAJE | 7 | METH. PRY. SCHOOL, LORIOMO ILAJE | 9 | 352 | 350 | 2 |
| 88 | ILESA WEST | 19 | AYESO | 10 | METHODIST PRIMARY SCHOOL, OKE- ESE I | 2 | 292 | 293 | -1 |
| 89 | IREPODUN | 20 | CLOBU 'A' | 1 | OPEN SPACE DAGBOLU (III) | 12 | 104 | 101 | 3 |
| 90 | IREPODUN | 20 | CLUBU 'B' | 2 | ST. PAUL'S GRAMMAR SCHOOL | 3 | 402 | 263 | 139 |
| 91 | IREPODUN | 20 | BARA 'B' | 6 | LANLOKO | 4 | 393 | 335 | 58 |
| 92 | IREPODUN | 20 | BARA 'B' | 6 | BABA ODUNAYO | 5 | 432 | 401 | 31 |
| 93 | OBOKUN | 24 | IBOKUN (TOWNSHIP) | 1 | IBOKUN POST OFFICE | 1 | 401 | 400 | 1 |
| 94 | OBOKUN | 24 | IBOKUN (TOWNSHIP) | 1 | IBOKUN N.U.D. PRY. SCHOOL | 2 | 490 | 489 | 1 |
| 95 | OBOKUN | 24 | IBOKUN (TOWNSHIP) | 1 | IBOKUN ST. PETER'S PRY. SCHOL | 3 | 453 | 448 | 5 |
| 96 | OBOKUN | 24 | IBOKUN (TOWNSHIP) | 1 | IBOKUN COURT HALL | 7 | 302 | 300 | 2 |
| 97 | OBOKUN | 24 | IPETU- ILE/ADAOW ODE | 2 | IPETU-ILE SURAJUDEEN PRY. SCHOOL | 8 | 285 | 361 | -76 |
| 98 | OBOKUN | 24 | ILASE/IDO MINASI | 4 | IREGUN METHODIST PRY. SCHOOL | 6 | 326 | 325 | 1 |
| 99 | OBOKUN | 24 | ILASE/IDO MINASI | 4 | ILASE DISPENSARY | 13 | 336 | 335 | 1 |
| 100 | OBOKUN | 24 | EESUN/IDO -OKO | 5 | IJAREGBE METHODIST PRY. | 4 | 347 | 346 | 1 |



| | | | | | SCHOOL | | | | |
|-----|----------|----|-------------------|---|---|----|-----|-----|-----|
| 101 | OBOKUN | 24 | EESUN/IDO -OKO | 5 | AYETORO OPEN SPACE | 6 | 241 | 240 | 1 |
| 102 | OBOKUN | 24 | ESA-OKE | 7 | ESA-OKE ST. JOSEPH'S SCHOOL | 2 | 303 | 302 | 1 |
| 103 | OBOKUN | 24 | ESA-OKE | 7 | ESA-OKE UNITED SCHOOL | 4 | 606 | 599 | 7 |
| 104 | OBOKUN | 24 | ESA-OKE | 7 | ESA-OKE L.A. SCHOOL I | 7 | 609 | 608 | 1 |
| 105 | OBOKUN | 24 | ESA-OKE | 7 | OJA-OKO OPEN SPACE | 9 | 420 | 419 | 1 |
| 106 | OBOKUN | 24 | ESA-OKE | 7 | ESA-OKE GRAMMAR SCHOOL | 10 | 604 | 601 | 3 |
| 107 | OLORUNDA | 27 | AGOWANDE | 1 | SCHOOL OF NURSING | 1 | 560 | 558 | 2 |
| 108 | OLORUNDA | 27 | AGOWANDE | 1 | OLATUNJI AJAYI STREET | 9 | 325 | 324 | 1 |
| 109 | OLORUNDA | 27 | AGOWANDE | 1 | CHURCH STREET, | 11 | 350 | 338 | 12 |
| 110 | OLORUNDA | 27 | AGOWANDE | 1 | OPEN SPACE, MALLAM TOPE JUNCTION, ALONG RING ROAD | 26 | 399 | 345 | 54 |
| 111 | OLORUNDA | 27 | BALOGUN | 2 | 2, BISHOP STREET | 2 | 318 | 311 | 7 |
| 112 | OLORUNDA | 27 | BALOGUN | 2 | 21, LATONA STREET | 9 | 308 | 307 | 1 |
| 113 | OLORUNDA | 27 | AKOGUN | 3 | AKOGUN MATERNITY | 9 | 292 | 289 | 3 |
| 114 | OLORUNDA | 27 | OWOOPE | 5 | 157, SABO ROAD | 1 | 296 | 294 | 2 |
| 115 | OLORUNDA | 27 | OWODE I | 6 | OLUODE MARKET (ILE-EJA) | 9 | 302 | 301 | 1 |
| 116 | OLORUNDA | 27 | AYETORO | 8 | KOBONGBOGBOE | 2 | 642 | 638 | 4 |
| 117 | OLORUNDA | 27 | AYETORO | 8 | OTAEFUN SETTLEMENT | 3 | 748 | 738 | 10 |
| 118 | OLORUNDA | 27 | AYETORO | 8 | AJEWOLE HOUSING ESTATE | 5 | 518 | 517 | 1 |
| 119 | OLORUNDA | 27 | AYETORO | 8 | TESTING GROUND | 6 | 526 | 520 | 6 |
| 120 | OLORUNDA | 27 | AYETORO | 8 | IRAGBIJI ROAD | 7 | 522 | 520 | 2 |
| 121 | OLORUNDA | 27 | AYETORO | 8 | COMMUNITY HIGH SCH. ABIDOGUN, OSOGBO | 14 | 398 | 162 | 236 |
| 122 | OLORUNDA | 27 | AYETORO | 8 | OPEN SPACE, DEEPER LIFE JUNCTION, AYEKALE ZONE I, AYEKALE, OSOGBO | 20 | 507 | 506 | 1 |
| 123 | OSOGBO | 30 | ATAOJA 'D' | 4 | OPP. 7 UP GBONGAN ROAD | 1 | 528 | 527 | 1 |
| 124 | OSOGBO | 30 | ATAOJA 'D' | 4 | OGO-OLUWA KITAN I | 2 | 633 | 628 | 5 |
| 125 | OSOGBO | 30 | ATAOJA 'D' | 4 | C.A.C. ARAROMI | 4 | 307 | 306 | 1 |
| 126 | OSOGBO | 30 | ATAOJA 'D' | 4 | L.G. DISPENSARY | 5 | 266 | 262 | 4 |
| 127 | OSOGBO | 30 | ATAOJA 'D' | 4 | ALHAJI WOLEOLA JUNCTION | 18 | 344 | 343 | 1 |
| 128 | OSOGBO | 30 | ATAOJA 'D' | 4 | AKOWONJO OPP, OLD WAEC OFFICE | 22 | 290 | 287 | 3 |
| 129 | OSOGBO | 30 | ATAOJA 'E' | 5 | TECHNICAL | 1 | 294 | 293 | 1 |



| | | | | | COLLEGE, OSOGBO | | | | |
|-----|--------|----|------------------|----|--|----|-----|-----|----|
| 130 | OSOGBO | 30 | ATAOJA 'E' | 5 | OGIDAN PRY SCHOOL | 4 | 328 | 326 | 2 |
| 131 | OSOGBO | 30 | ATAOJA 'E' | 5 | SALVATION ARMY PRY. SCHOOL | 5 | 331 | 333 | -2 |
| 132 | OSOGBO | 30 | ATAOJA 'E' | 5 | 5, LUCY ADEOTI STREET | 6 | 346 | 345 | 1 |
| 133 | OSOGBO | 30 | ATAOJA 'E' | 5 | 20, AKINDEKO STREET | 8 | 313 | 312 | 1 |
| 134 | OSOGBO | 30 | ATAOJA 'E' | 5 | OPP. TECHNICAL COLLEGE | 16 | 331 | 330 | 1 |
| 135 | OSOGBO | 30 | ATAOJA 'E' | 5 | ADEWOLE STREET | 17 | 377 | 374 | 3 |
| 136 | OSOGBO | 30 | ATAOJA 'E' | 5 | OKIN STREET BEHIND CAPITAL HOTEL | 19 | 502 | 499 | 3 |
| 137 | OSOGBO | 30 | OTUN HAGUN B | 6 | AKOLU COMPOUND | 8 | 363 | 360 | 3 |
| 138 | OSOGBO | 30 | ARE-AGO | 8 | OLUODE ARANYIN | 3 | 340 | 325 | 15 |
| 139 | OSOGBO | 30 | ARE-AGO | 8 | OWODE VILLAGE I | 8 | 478 | 477 | 1 |
| 140 | OSOGBO | 30 | ARE-AGO | 8 | 3,OKE AYEPE | 11 | 286 | 285 | 1 |
| 141 | OSOGBO | 30 | ARE-AGO | 8 | COSTAIN MATERNITY L.G | 12 | 364 | 362 | 2 |
| 142 | OSOGBO | 30 | JAGUN B' | 10 | ALADORIN COMPOUND | 11 | 174 | 171 | 3 |
| 143 | OSOGBO | 30 | OTUN JAGUN 'A' | 12 | 20, OKE POPO STREET | 2 | 280 | 279 | 1 |
| 144 | OSOGBO | 30 | OTUN BALOGUN 'A' | 14 | GBADEBO STREET, BEHIND A.U.D. PRY. SCHOOL II | 12 | 339 | 337 | 2 |
| 145 | OSOGBO | 30 | OTUN BALOGUN 'A' | 14 | L.G. MARKET GBONMI | 14 | 317 | 314 | 3 |

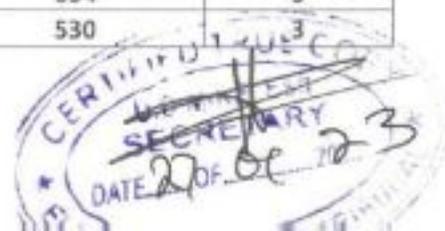
Also, referring to exhibit R.BVM and R.BVR 1 – 129, learned counsel for the Petitioners submitted the said exhibits show inconsistencies between them, as shown on pages 22 – 23 of his final written address in response to 2nd Respondents' final written address. The said table is hereby reproduced thus;

"TABLE SHOWING INCONSISTENCIES BETWEEN EXHIBIT R.BVM AND EXHIBIT R.BVR (1 – 129) TENDERED BY 1ST AND 2ND RESPONDENTS

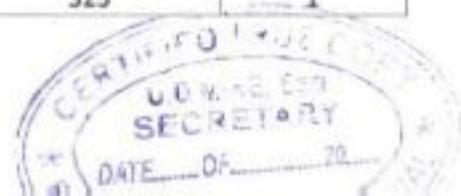
| S/N | LGA | WARD | POLLING STATION LOCATION/NAME | PU CODE | NO OF ACCREDITED VOTER ON EXHIBIT R.BVM | NO OF ACCREDITED VOTER ON EXHIBIT R. BVR (1 – 129) | DIFFERENCE BTW EXHIBIT COLUMN 6, 7 AND 8 |
|-----|-----------|------|-------------------------------|---------|---|---|--|
| 1 | Ede North | 2 | 12 Bisiku Lane | 6 | 191 | 190 | 1 |
| 2 | | 4 | Beside Olode Mosque | 5 | 428 | 427 | 1 |
| 3 | | | Olusokun Compd. | 9 | 509 | 508 | 1 |
| 4 | | 5 | Alusekere Junction | 2 | 326 | 325 | 1 |



| | | | | | | | |
|----|-----------|----|------------------------------------|----|------|-----|-----|
| 5 | | | Owode Comm. Pry School | 4 | 1276 | 858 | 418 |
| 6 | | | Idi-Oloke Motor Park | 8 | 402 | 399 | 3 |
| 7 | | | Open Space Cele Junction Owode Ede | 17 | 427 | 401 | 26 |
| 8 | | 7 | 12 Army Barack's Road | 4 | 326 | 325 | 1 |
| 9 | | | Barrack Junction | 6 | 416 | 415 | 1 |
| 10 | | | No. 1 Alabi Street | 7 | 344 | 343 | 1 |
| 11 | | 10 | Alapa Junction Ede | 1 | 375 | 373 | 2 |
| 12 | Ede South | 1 | L.A School Obada Ede | 1 | 658 | 652 | 6 |
| 13 | | | Babanla Square, Ede | 3 | 430 | 428 | 2 |
| 14 | | | Alukagun Comp. Ede | 4 | 424 | 423 | 1 |
| 15 | | | Olumole's Comp. Ede | 7 | 403 | 401 | 2 |
| 16 | | 2 | Kuye's Compound, Ede | 2 | 426 | 423 | 3 |
| 17 | | | Ooye's Compound, Ede | 4 | 342 | 340 | 2 |
| 18 | | 3 | 42, Otepe Compound Agbangudu | 4 | 453 | 451 | 1 |
| 19 | | | Jagun Ago Motor Park | 8 | 323 | 321 | 2 |
| 20 | | | Olungbele Comp. | 9 | 258 | 257 | 1 |
| 21 | | | 16 Orita Akala | 10 | 417 | 416 | 1 |
| 22 | | 4 | St Peters Pry.School Ede | 3 | 357 | 355 | 2 |
| 23 | | | Obalaoye Grammer School Ede I | 4 | 520 | 519 | 1 |
| 24 | | | Ode Oke | 6 | 387 | 382 | 5 |
| 15 | | | Adetooto Street, Maricas Junction | 7 | 388 | 313 | 75 |
| 16 | | | Anuolu Junction | 8 | 830 | 793 | 37 |
| 17 | | | Opp. Seventh Days I Pry. School | 9 | 524 | 523 | 1 |
| 18 | | 5 | L.A School, Alajue II | 5 | 361 | 360 | 1 |
| 19 | | 7 | Babasanya Comp. Ede | 1 | 392 | 390 | 2 |
| 20 | | | Agbanu's Comp. Ede | 2 | 436 | 435 | 1 |
| 21 | | | Olorin Junction Ede | 5 | 417 | 414 | 3 |
| 22 | | 8 | Cac Pry. School Sekona | 4 | 347 | 338 | 9 |
| 23 | | | St. Peters School, Sekona | 5 | 375 | 373 | 2 |
| 24 | | 9 | L.A Pry. School Oloki | 2 | 375 | 371 | 4 |
| 25 | Egbedore | 1 | Baptist Day Pry. School, Awo | 1 | 432 | 431 | 1 |
| 26 | | | Town Hall, Awo | 2 | 299 | 295 | 4 |
| 27 | | 3 | Isale Ayo Area, Ara | 2 | 258 | 255 | 3 |
| 28 | | 4 | Ido -Osun Dispensary Area | 4 | 574 | 572 | 2 |
| 29 | | | New Motor, Park Ido-Osun | 6 | 699 | 695 | 4 |
| 30 | | 5 | Iragberi Town Hall | 1 | 326 | 324 | 2 |
| 31 | | | Ejemu Area | 2 | 354 | 351 | 3 |
| 32 | | 6 | Baptist Day Pry. School, Iragberi | 1 | 411 | 408 | 3 |
| 33 | | | Daudu Area, Iragberi | 4 | 343 | 342 | 1 |
| 34 | | 9 | Baptist Day Pry School, Ojo | 1 | 445 | 437 | 8 |
| 35 | | | Baptist Day Pry. School, Aro | 2 | 538 | 497 | 41 |
| 36 | | 10 | Dada Estate Olorunsogo | 1 | 657 | 654 | 3 |
| 37 | | | Dada Estate Olorunsogo | 2 | 533 | 530 | |



| | | | | | | | |
|----|------------|----|---|----|-----|-----|-----|
| 38 | | | Okunbanjo Printing Press Area | 4 | 378 | 369 | 9 |
| 39 | | | Isale Osun Ofa Tedo | 5 | 600 | 598 | 2 |
| 40 | | | St. Georges R.C.M Pry.School, Ofatedo | 6 | 683 | 671 | 12 |
| 41 | | | Okeoja Ofatedo | 7 | 550 | 549 | 1 |
| 42 | | | Y.T.D. Pry. School, Okini | 10 | 965 | 954 | 11 |
| 43 | Ejigbo | 1 | R.C.M Pry. School | 3 | 461 | 460 | 1 |
| 44 | | 2 | Aromadu | 6 | 324 | 322 | 2 |
| 45 | | 3 | Beulah Bapt. School | 1 | 533 | 529 | 4 |
| 46 | | | Ejigbo Secretariat Complex | 6 | 432 | 430 | 2 |
| 47 | | | Ope Olorimeji | 7 | 480 | 478 | 2 |
| 48 | | 4 | Magistrates Court | 3 | 580 | 438 | 142 |
| 49 | | | Idi Oro Junction | 4 | 448 | 224 | 224 |
| 50 | | | Okeodo Ilupeju I | 6 | 401 | 402 | 1 |
| 51 | | | Okeodo Ilupeju II | 7 | 406 | 229 | 177 |
| 52 | | | Apampa Ajila Osunfiade | 8 | 388 | 268 | 100 |
| 53 | | 5 | Ejigbo Shop Complex | 1 | 346 | 345 | 1 |
| 54 | | | C.A.C Pry. School, 1 | 2 | 396 | 192 | 204 |
| 55 | | | Ayegbogbo Dispensary | 4 | 489 | 474 | 15 |
| 56 | | 5 | Ola Postal Agency | 1 | 477 | 474 | 3 |
| 57 | | 7 | Oke Afin Iwo Ate, Ifeodan | 4 | 396 | 394 | 2 |
| 58 | | 8 | Logun Okeola | 1 | 482 | 474 | 8 |
| 59 | | | Co-Op. Office Masifa | 5 | 472 | 470 | 2 |
| 60 | | 9 | Mogbelerin Village | 4 | 150 | 151 | 1 |
| 61 | | | Isundunrin. Day School | 6 | 493 | 492 | 1 |
| 62 | | | Isundunrin Comm. Bank | 7 | 430 | 424 | 6 |
| 63 | | | Isundunrin Ori-Oke Quarters | 8 | 390 | 389 | 1 |
| 64 | Ila | 3 | Ogunlade Junction | 7 | 511 | 510 | 1 |
| 65 | | 4 | Secretariat | 13 | 589 | 588 | 1 |
| 66 | Ilesa West | 5 | African Church Grammer School, Area | 10 | 420 | 419 | 1 |
| 67 | | 6 | African Jubilee Pry. Ikoyi | 1 | 436 | 434 | 2 |
| 68 | | 7 | Space Near End Of Tarred Road Isale Gen | 2 | 297 | 296 | 1 |
| 69 | | | Ogedengbe Comm. High School | 4 | 350 | 347 | 3 |
| 70 | | | Open Space Alaje's House | 5 | 432 | 431 | 1 |
| 71 | | | Meth. Pry School. Loriomo Ilaje | 9 | 352 | 350 | 2 |
| 72 | | 10 | Methodist Pry. School, Oke Ese I | 2 | 292 | 293 | 1 |
| 73 | Irepodun | 2 | St. Paul's Grammer School | 3 | 402 | 263 | 139 |
| 74 | | 6 | Lanloko | 4 | 393 | 335 | 58 |
| 75 | | | Baba Odunayo | 5 | 432 | 401 | 31 |
| 76 | Obokun | 1 | Post Office | 1 | 401 | 400 | 1 |
| 77 | | | Obokun N.U.D. Pry. School | 2 | 490 | 489 | 1 |
| 78 | | | Ibokun St. Peter's Pry. School | 3 | 453 | 448 | 5 |
| 79 | | | Ibokun Court Hall | 7 | 302 | 300 | 2 |
| 80 | | 4 | Iregun Methodist Pry. | 6 | 326 | 325 | 1 |

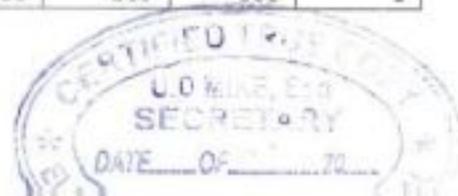


| | | | School | | | | |
|-----|-----------|---|------------------------------------|----|------|-----|-----|
| 81 | | | Ilase Dispensary | 13 | 336 | 335 | 1 |
| 82 | | 5 | Ijaregbe Methodist Pry. School | 4 | 347 | 346 | 1 |
| 83 | | | Ayetero Open Space | 6 | 241 | 240 | 1 |
| 84 | | 7 | Esa- Oke St Joseph's School | 2 | 303 | 302 | 1 |
| 85 | | | Esa- Oke United School | 4 | 606 | 599 | 7 |
| 86 | | | Esa-Oke L.A. School | 7 | 609 | 608 | 1 |
| 87 | | | Oja. Oko Open Space | 9 | 420 | 419 | 1 |
| 88 | | | Esa-Oke Grammer School | 10 | 604 | 601 | 3 |
| 89 | Olorunda | 1 | School Of Nursing | 1 | 560 | 558 | 2 |
| 90 | | | Oke Onitea Irepodun | 8 | 490 | 489 | 1 |
| 91 | | | Olatunji Ajay. Street | 9 | 325 | 324 | 1 |
| 92 | | | Church Street | 11 | 350 | 338 | 12 |
| 93 | | 2 | 2, Bishops Street | 2 | 318 | 311 | 7 |
| 94 | | | 21, Latona Street | 9 | 308 | 307 | 1 |
| 95 | | 3 | Akogun Mertanity | 9 | 292 | 289 | 3 |
| 96 | | 5 | 157, Sabo Road | 1 | 296 | 294 | 2 |
| 97 | | 6 | Oluode Market (Ile-Eja) | 9 | 302 | 301 | 1 |
| 98 | Ede North | 2 | 12 Bisiku Lane | 6 | 191 | 190 | 1 |
| 99 | | 4 | Beside Olode Mosque | 5 | 428 | 427 | 1 |
| 100 | | | Olusokun Compd. | 9 | 509 | 508 | 1 |
| 101 | | 5 | Alusekere Junction | 2 | 326 | 325 | 1 |
| 102 | | | Owode Comm. Pry School | 4 | 1276 | 858 | 418 |
| 103 | | | Idi-Oloke Motor Park | 8 | 402 | 399 | 3 |
| 104 | | | Open Space Cole Junction Owode Ede | 17 | 427 | 401 | 26 |
| 105 | | 7 | 12 Army Barack's Road | 4 | 326 | 325 | 1 |
| 106 | | | Barrack Junction | 6 | 416 | 415 | 1 |
| 107 | | | No. 1 Alabi Street | 7 | 344 | 343 | 1 |

On exhibits R.BVR and 2R.RW2, learned counsel for the Petitioners also submitted that they are inconsistent with each other, as shown on pages 24 – 26 of his final written address in reply to the 2nd Respondents' final written address. The table is hereby reproduced as follows;

Table showing inconsistencies in the Physical inspection reports of 2R.RW2 and R.BVR

| S/N | LGA | LGA CODE | WARD NAME | WARD CODE | POLLING STATION LOCATION/NAME | PU CODE | Total (Rejected + Valid Votes) | Physical inspt by PDP (2R.RW2) | Synchro nized BVAS (R.BVR) | DIFF IN (2R.RW 2 & R.BVR) |
|-----|-----------|----------|-----------------|-----------|-------------------------------|---------|--------------------------------|--------------------------------|----------------------------|---------------------------|
| 1 | EDE NORTH | 7 | ABOGUNDE/ SAGBA | 2 | 12 BISIKU LANE | 6 | 191 | 191 | 190 | 1 |
| 2 | EDE NORTH | 7 | OLUSOKUN | 4 | BESIDE OLODE MOSQUE | 5 | 428 | 428 | 427 | 1 |
| 3 | EDE NORTH | 7 | OLUSOKUN | 4 | OLUSOKUN | 9 | 506 | 509 | 508 | 1 |



| | | | | | COMP.D. | | | | | |
|----|-----------|---|-------------------|----|--------------------------------------|----|------|------|-----|-----|
| 4 | EDE NORTH | 7 | ALUSEKERE | 5 | ALUSEKERE JUNCTION | 2 | 326 | 326 | 325 | 1 |
| 5 | EDE NORTH | 7 | ALUSEKERE | 5 | O'WODE COMM. PRY SCHOOL, | 4 | 1267 | 1276 | 858 | 418 |
| 6 | EDE NORTH | 7 | ALUSEKERE | 5 | IDI-OLOKE MOTOR PARK | 8 | 402 | 402 | 399 | 3 |
| 7 | EDE NORTH | 7 | ALUSEKERE | 5 | OPEN SPACE CELE JUNCTION, O'WODE EDE | 17 | 427 | 427 | 401 | 26 |
| 8 | EDE NORTH | 7 | SABO/AGBO NGBE II | 7 | 12 ARMY BARRACK'S ROAD | 4 | 326 | 326 | 325 | 1 |
| 9 | EDE NORTH | 7 | SABO/AGBO NGBE II | 7 | BARRACKS JUNCTION | 6 | 416 | 416 | 415 | 1 |
| 10 | EDE NORTH | 7 | SABO/AGBO NGBE II | 7 | NO. 1, ALABI STREET, | 7 | 344 | 344 | 343 | 1 |
| 11 | EDE NORTH | 7 | ASUNMO | 10 | ALAPA JUNCTION, EDE | 1 | 372 | 375 | 373 | 2 |
| 12 | EDE NORTH | 7 | ASUNMO | 10 | OPEN SPACE OKE OGOSUN, EDE | 4 | 354 | 355 | 354 | 1 |
| 13 | EDE SOUTH | 8 | BABANLA/AG ATE | 1 | L.A. SCHOOL, OBADA, EDE | 1 | 658 | 658 | 652 | 6 |
| 14 | EDE SOUTH | 8 | BABANLA/AG ATE | 1 | AGATE SQUARE, EDE | 2 | 402 | 412 | 407 | 5 |
| 15 | EDE SOUTH | 8 | BABANLA/AG ATE | 1 | BABANLA SQUARE, EDE | 3 | 429 | 430 | 428 | 2 |
| 16 | EDE SOUTH | 8 | BABANLA/AG ATE | 1 | ALUKAGUN COMP. EDE | 4 | 424 | 424 | 423 | 1 |
| 17 | EDE SOUTH | 8 | BABANLA/AG ATE | 1 | OLUMOLE'S COMP. EDE | 7 | 403 | 403 | 401 | 2 |
| 18 | EDE SOUTH | 8 | JAGUN/JAGUN | 3 | 42, OTEPE CCOMP. AGBANGJUDU | 4 | 450 | 453 | 451 | 2 |
| 19 | EDE SOUTH | 8 | JAGUN/JAGUN | 3 | JAGUN AGO MOTOR PARK | 8 | 323 | 323 | 321 | 2 |
| 20 | EDE SOUTH | 8 | JAGUN/JAGUN | 3 | OLUN GBELE COMP. | 9 | 258 | 258 | 257 | 1 |
| 21 | EDE SOUTH | 8 | JAGUN/JAGUN | 3 | 16, DRITA AKALA | 10 | 417 | 417 | 416 | 1 |
| 22 | EDE SOUTH | 8 | ALAJUE I | 4 | ST. PETERS PRY. SCHOOL, EDE | 3 | 355 | 357 | 355 | 2 |
| 23 | EDE SOUTH | 8 | ALAJUE I | 4 | OBA LAOYE GRAMMAR SCHOOL, EDE I | 4 | 520 | 520 | 519 | 1 |
| 24 | EDE SOUTH | 8 | ALAJUE I | 4 | ODE-OKE | 6 | 387 | 387 | 382 | 5 |
| 25 | EDE SOUTH | 8 | ALAJUE I | 4 | ADETOOTO STREET, (MARICAS JUNCTION) | 7 | 388 | 388 | 313 | 75 |
| 26 | EDE SOUTH | 8 | ALAJUE I | 4 | ANJOLU JUNCTION | 8 | 830 | 830 | 793 | 37 |
| 27 | EDE SOUTH | 8 | ALAJUE I | 4 | OPP. SEVENTH DAY I PRY. SCHOOL | 9 | 523 | 524 | 523 | 1 |
| 28 | EDE SOUTH | 8 | ALAJUE II | 5 | L.A. SCHOOL, ALAJUE II | 5 | 361 | 361 | 360 | 1 |
| 29 | EDE SOUTH | 8 | BABASANYA | 7 | BABASANYA COMP. EDE | 1 | 390 | 392 | 390 | 2 |
| 30 | EDE SOUTH | 8 | BABASANYA | 7 | AGBANU'S COMP. | 2 | 434 | 436 | 435 | 1 |



| | | | | | EDE | | | | | |
|----|-----------|---|------------------------------|----|--|---|-----|-----|-----|----|
| 31 | EDE SOUTH | 8 | BABASANYA | 7 | OLORIN JUNCTION, EDE | 5 | 417 | 417 | 414 | 3 |
| 32 | EDE SOUTH | 8 | SEKONA | 8 | C.A.C. PRY. SCHOOL, SEKONA | 4 | 347 | 347 | 338 | 9 |
| 33 | EDE SOUTH | 8 | SEKONA | 8 | ST. PETER'S SCHOOL, SEKONA | 5 | 374 | 375 | 373 | 2 |
| 34 | EDE SOUTH | 8 | OLOKI/AKOD A | 9 | L.A. PRY. SCHOOL, OLOKI | 2 | 375 | 375 | 371 | 4 |
| 35 | EGBEDORE | 9 | AWO/ABUDO | 1 | BAPTIST DAY PRY. SCHOOL, AWO | 1 | 432 | 432 | 431 | 1 |
| 36 | EGBEDORE | 9 | AWO/ABUDO | 1 | TOWN HALL, AWO | 2 | 299 | 299 | 295 | 4 |
| 37 | EGBEDORE | 9 | ARA II | 3 | ISALE AYO AREA, ARA | 2 | 258 | 258 | 255 | 3 |
| 38 | EGBEDORE | 9 | IDO-OSUN | 4 | IDO-OSUN DISPENSARY PREMISES | 3 | 558 | 557 | 556 | 1 |
| 39 | EGBEDORE | 9 | IDO-OSUN | 4 | IDO-OSUN DISPENSARY AREA | 4 | 574 | 574 | 572 | 2 |
| 40 | EGBEDORE | 9 | IDO-OSUN | 4 | NEW MOTOR PARK, IDO-OSUN | 6 | 698 | 699 | 695 | 4 |
| 41 | EGBEDORE | 9 | IRA GBERI I | 5 | IRAGBERI TOWN HALL | 1 | 326 | 326 | 324 | 2 |
| 42 | EGBEDORE | 9 | IRA GBERI I | 5 | EJEMU AREA | 2 | 344 | 354 | 351 | 3 |
| 43 | EGBEDORE | 9 | IRA GBERI II | 6 | BAPTIST DAY PRY. SCHOOL, IRAGBERI | 1 | 411 | 411 | 408 | 3 |
| 44 | EGBEDORE | 9 | IRA GBERI II | 6 | DAODU AREA, IRAGBERI | 4 | 343 | 343 | 342 | 1 |
| 45 | EGBEDORE | 9 | OJO/ARO | 9 | BAPTIST DAY PRY SCHOOL, OJO | 1 | 436 | 445 | 437 | 8 |
| 46 | EGBEDORE | 9 | OJO/ARO | 9 | BAPTIST DAY PRY. SCHOOL, ARO | 2 | 538 | 538 | 497 | 41 |
| 47 | EGBEDORE | 9 | OKIN NI/OLORUNS OGO/OFATE DO | 10 | DADA ESTATE OOLORUNSOGO | 1 | 657 | 657 | 654 | 3 |
| 48 | EGBEDORE | 9 | OKIN NI/OLORUNS OGO/OFATE DO | 10 | DADA ESTATE OOLORUNSOGO | 2 | 533 | 533 | 530 | 3 |
| 49 | EGBEDORE | 9 | OKIN NI/OLORUNS OGO/OFATE DO | 10 | OKUBANJO PRINTING PRESS AREA | 4 | 378 | 378 | 369 | 9 |
| 50 | EGBEDORE | 9 | OKIN NI/OLORUNS OGO/OFATE DO | 10 | ISALE OSUN OFATEDO | 5 | 598 | 600 | 598 | 2 |
| 51 | EGBEDORE | 9 | OKIN NI/OLORUNS OGO/OFATE DO | 10 | ST. GEORGES R.C.M PRY. SCHOOL, OFATEDO | 6 | 683 | 683 | 671 | 12 |
| 52 | EGBEDORE | 9 | OKIN NI/OLORUNS OGO/OFATE DO | 10 | OKE-OJA OFATEDO | 7 | 550 | 550 | 549 | 1 |



| | | | | | | | | | | |
|----|----------|----|---------------------------------------|----|------------------------------------|----|-----|-----|-----|-----|
| 53 | EGBEDORE | 9 | OKIN NI/OLORUNS OGO/OFATE DO | 10 | Y.T.D. PRY. SCHOOL, OKINNI | 10 | 965 | 965 | 951 | 14 |
| 54 | EJIGBO | 10 | ELEJIGBO 'A' | 1 | R.C.M. PRY. SCHOOL | 3 | 450 | 461 | 460 | 1 |
| 55 | EJIGBO | 10 | ELEJIGBO 'B'/OSOLO | 2 | AROMADU | 6 | 322 | 324 | 322 | 2 |
| 56 | EJIGBO | 10 | ELEJIGBO 'C'/MAPO | 3 | BEULAH BAPT. SCHOOL, EJIGBO | 1 | 533 | 533 | 529 | 4 |
| 57 | EJIGBO | 10 | ELEJIGBO 'C'/MAPO | 3 | EJIGBO SECRETARIAT COMPLEX | 6 | 432 | 432 | 430 | 2 |
| 58 | EJIGBO | 10 | ELEJIGBO 'C'/MAPO | 3 | OPE OLORI MEJI | 7 | 480 | 480 | 478 | 2 |
| 59 | EJIGBO | 10 | ELEJIGBO 'D'/EJEMU | 4 | MAGISTRATE COURT | 3 | 579 | 580 | 438 | 142 |
| 60 | EJIGBO | 10 | ELEJIGBO 'D'/EJEMU | 4 | IDI-ORO JUNCTION | 4 | 448 | 448 | 224 | 224 |
| 61 | EJIGBO | 10 | ELEJIGBO 'D'/EJEMU | 4 | OKE ODO ILUPEJU I | 6 | 401 | 401 | 402 | -1 |
| 62 | EJIGBO | 10 | ELEJIGBO 'D'/EJEMU | 4 | OKE ODO ILUPEJU II | 7 | 406 | 406 | 229 | 177 |
| 63 | EJIGBO | 10 | ELEJIGBO 'D'/EJEMU | 4 | APANPA AJILA OSUNFIADÉ | 8 | 376 | 388 | 268 | 120 |
| 64 | EJIGBO | 10 | ELEJIGBO/AY EGBOGBO | 5 | EJIGBO SHOP COMPLEX | 1 | 346 | 346 | 345 | 1 |
| 65 | EJIGBO | 10 | ELEJIGBO/AY EGBOGBO | 5 | C.A.C.PRY. SCHOOL, 1 | 2 | 396 | 396 | 192 | 204 |
| 66 | EJIGBO | 10 | ELEJIGBO/AY EGBOGBO | 5 | AYEGBOGBO DISPENSARY | 4 | 489 | 489 | 474 | 15 |
| 67 | EJIGBO | 10 | OLA/AYE/AG URODO | 6 | OLA POSTAL AGENCY | 1 | 477 | 477 | 474 | 3 |
| 68 | EJIGBO | 10 | IFEODAN 'A'/OWU-ILE | 7 | OKE AFIN/TWO ATE, IFE-ODAN | 4 | 396 | 396 | 394 | 2 |
| 69 | EJIGBO | 10 | IFEODAN 'B'/MASIFA | 8 | LOGUN OKE-OLA | 1 | 475 | 482 | 474 | 8 |
| 70 | EJIGBO | 10 | IFEODAN 'B'/MASIFA | 8 | CO-OP. OFFICE, MASIFA | 5 | 472 | 472 | 470 | 2 |
| 71 | EJIGBO | 10 | ILAWO/ISOK O/ISUNDUNR IN | 9 | MOGBELERIN VILLAGE | 4 | 150 | 150 | 151 | -1 |
| 72 | EJIGBO | 10 | ILAWO/ISOK O/ISUNDUNR IN | 9 | ISUNDUNRIN BAPT. DAY SCHOOL, | 6 | 493 | 493 | 492 | 1 |
| 73 | EJIGBO | 10 | ILAWO/ISOK O/ISUNDUNR IN | 9 | ISUNDUNRIN COMM. BANK | 7 | 430 | 430 | 424 | 6 |
| 74 | EJIGBO | 10 | ILAWO/ISOK O/ISUNDUNR IN | 9 | ISUNDURIN ORI- OKE QUARTERS | 8 | 385 | 390 | 389 | 1 |
| 75 | EJIGBO | 10 | INISA I/AATO/IGBO N | 10 | AATO POSTAL AGENCY | 1 | 431 | 431 | 426 | 5 |
| 76 | EJIGBO | 10 | INISA I/AATO/IGBO | 10 | D.C. SCHOOL, IGBON I | 4 | 497 | 497 | 353 | 144 |



| | | | | | | | | | | |
|----|------------|----|------------------------|----|---|----|-----|-----|-----|-----|
| | | | N | | | | | | | |
| 77 | EJIGBO | 10 | INISA I/AATO/IGBO N | 10 | INISA I BAPT. DAY SCHOOL | 8 | 377 | 377 | 376 | 1 |
| 78 | ILA | 17 | EJIGBO III | 3 | OGUNLADE JUNCTION | 7 | 510 | 511 | 510 | 1 |
| 79 | ILA | 17 | ISEDO I | 4 | SECRETARIAT | 13 | 589 | 589 | 588 | 1 |
| 80 | ILESA WEST | 19 | UPPER AND LOWER IGBOGI | 3 | UPPER IGBOGI (ASEDA'S HOUSE AREA) | 2 | 316 | 317 | 315 | 2 |
| 81 | ILESA WEST | 19 | ISOKUN | 5 | AFRICAN CHURCH GRAMMAR SCHOOL, AREA | 10 | 417 | 420 | 419 | 1 |
| 82 | ILESA WEST | 19 | IKOTI/ARAROMI | 5 | AFRICAN JUBILEE PRY. SCHOOL, IKOYI | 1 | 434 | 436 | 434 | 2 |
| 83 | ILESA WEST | 19 | ILAJE | 7 | SPACE NEAR END OF TARRED ROAD, ISALE GEN. | 2 | 297 | 297 | 296 | 1 |
| 84 | ILESA WEST | 19 | ILAJE | 7 | OGEDENGBE COMM. HIGH SCHOOL | 4 | 350 | 350 | 347 | 3 |
| 85 | ILESA WEST | 19 | ILAJE | 7 | OPEN SPACE ALAJE'S HOUSE | 5 | 431 | 432 | 431 | 1 |
| 86 | ILESA WEST | 19 | ILAJE | 7 | METH. PRY. SCHOOL, LORIOMO ILAJE | 9 | 350 | 352 | 350 | 2 |
| 87 | ILESA WEST | 19 | AYESO | 10 | METHODIST PRIMARY SCHOOL, OKE-ESE I | 2 | 292 | 292 | 293 | -1 |
| 88 | IREPODUN | 20 | OLOBU 'A' | 1 | OPEN SPACE DAGBOLU (III) | 12 | 104 | 104 | 101 | 3 |
| 89 | IREPODUN | 20 | OLUBU 'B' | 2 | ST. PAUL'S GRAMMAR SCHOOL | 3 | 402 | 402 | 263 | 139 |
| 90 | IREPODUN | 20 | BARA 'B' | 6 | LANLOKO | 4 | 380 | 393 | 335 | 58 |
| 91 | IREPODUN | 20 | BARA 'B' | 6 | BABA ODUNAYO | 5 | 432 | 432 | 401 | 31 |
| 92 | OBOKUN | 24 | IBOKUN (TOWNSHIP) | 1 | IBOKUN POST OFFICE | 1 | 398 | 401 | 400 | 1 |
| 93 | OBOKUN | 24 | IBOKUN (TOWNSHIP) | 1 | IBOKUN N.U.D. PRY. SCHOOL | 2 | 489 | 490 | 489 | 1 |
| 94 | OBOKUN | 24 | IBOKUN (TOWNSHIP) | 1 | IBOKUN ST. PETER'S PRY. SCHOOL | 3 | 452 | 453 | 448 | 5 |
| 95 | OBOKUN | 24 | IBOKUN (TOWNSHIP) | 1 | IBOKUN COURT HALL | 7 | 302 | 302 | 300 | 2 |
| 96 | OBOKUN | 24 | IPETU-ILE/ADAOWODE | 2 | IPETU-ILE SURAJUDEEN PRY. SCHOOL | 8 | 361 | 285 | 361 | -76 |
| 97 | OBOKUN | 24 | ILASE/IDOMI NASI | 4 | IREGUN METHODIST PRY. SCHOOL | 6 | 326 | 326 | 325 | 1 |
| 98 | OBOKUN | 24 | ILASE/IDOMI NASI | 4 | ILASE DISPENSARY | 13 | 336 | 336 | 335 | 1 |
| 99 | OBOKUN | 24 | EESUN/IDO-OKO | 5 | IJAREGBE METHODIST PRY. | 4 | 346 | 347 | 346 | 1 |



| | | | | | SCHOOL | | | | | |
|-----|----------|----|---------------|---|---|----|-----|-----|-----|-----|
| 100 | OBOKUN | 24 | EESUN/IDO-OKO | 5 | AYETORO OPEN SPACE | 6 | 240 | 241 | 240 | 1 |
| 101 | OBOKUN | 24 | ESA-OKE | 7 | ESA-OKE ST. JOSEPH'S SCHOOL | 2 | 302 | 303 | 302 | 1 |
| 102 | OBOKUN | 24 | ESA-OKE | 7 | ESA-OKE UNITED SCHOOL | 4 | 606 | 606 | 599 | 7 |
| 103 | OBOKUN | 24 | ESA-OKE | 7 | ESA-OKE L.A. SCHOOL I | 7 | 609 | 609 | 608 | 1 |
| 104 | OBOKUN | 24 | ESA-OKE | 7 | OJA-OKO OPEN SPACE | 9 | 420 | 420 | 419 | 1 |
| 105 | OBOKUN | 24 | ESA-OKE | 7 | ESA-OKE GRAMMAR SCHOOL | 10 | 604 | 604 | 601 | 3 |
| 106 | OLORUNDA | 27 | AGOWANDE | 1 | SCHOOL OF NURSING | 1 | 560 | 560 | 558 | 2 |
| 107 | OLORUNDA | 27 | AGOWANDE | 1 | OLATUNJI AJAYI STREET | 9 | 324 | 325 | 324 | 1 |
| 108 | OLORUNDA | 27 | AGOWANDE | 1 | CHURCH STREET, | 11 | 338 | 350 | 338 | 12 |
| 109 | OLORUNDA | 27 | AGOWANDE | 1 | OPEN SPACE, MALLAM TOPE JUNCTION, ALONG RING ROAD | 26 | 399 | 399 | 345 | 54 |
| 110 | OLORUNDA | 27 | BALOGUN | 2 | 2, BISHOP STREET | 2 | 313 | 318 | 311 | 7 |
| 111 | OLORUNDA | 27 | BALOGUN | 2 | 21, LATONA STREET | 9 | 308 | 308 | 307 | 1 |
| 112 | OLORUNDA | 27 | AKOGUN | 3 | AKOGUN MATERNITY | 9 | 289 | 292 | 289 | 3 |
| 113 | OLORUNDA | 27 | OWOPE | 5 | 157, SABO ROAD | 1 | 296 | 296 | 294 | 2 |
| 114 | OLORUNDA | 27 | OWODE I | 6 | OLUODE MARKET (ILE-EJA) | 9 | 302 | 302 | 301 | 1 |
| 115 | OLORUNDA | 27 | AYETORO | 8 | KOBONGBOGBOE | 2 | 637 | 642 | 638 | 4 |
| 116 | OLORUNDA | 27 | AYETORO | 8 | OTAEFUN SETTLEMENT | 3 | 744 | 748 | 738 | 10 |
| 117 | OLORUNDA | 27 | AYETORO | 8 | AJEWOLE HOUSING ESTATE | 5 | 518 | 518 | 517 | 1 |
| 118 | OLORUNDA | 27 | AYETORO | 8 | TESTING GROUND | 6 | 526 | 526 | 520 | 6 |
| 119 | OLORUNDA | 27 | AYETORO | 8 | IRAGBIJI ROAD | 7 | 520 | 522 | 520 | 2 |
| 120 | OLORUNDA | 27 | AYETORO | 8 | COMMUNITY HIGH SCH. ABIDOGUN, OSOGBO | 14 | 390 | 398 | 162 | 236 |
| 121 | OLORUNDA | 27 | AYETORO | 8 | OPEN SPACE, DEEPER LIFE JUNCTION, AYEKALE ZONE I, AYEKALE, OSOGBO | 20 | 507 | 507 | 506 | 1 |
| 122 | OSOGBO | 30 | ATAOJA 'D' | 4 | OPP. 7 UP GBONGAN ROAD | 1 | 528 | 528 | 527 | 1 |
| 123 | OSOGBO | 30 | ATAOJA 'D' | 4 | OGO-OLUWA KITAN I | 2 | 630 | 633 | 628 | 5 |
| 124 | OSOGBO | 30 | ATAOJA 'D' | 4 | C.A.C. ARAROMI | 4 | 307 | 307 | 306 | 1 |
| 125 | OSOGBO | 30 | ATAOJA 'D' | 4 | L.G. DISPENSARY | 5 | 262 | 266 | 262 | 4 |
| 126 | OSOGBO | 30 | ATAOJA 'D' | 4 | ALHAJI WOLEOLA JUNCTION | 18 | 344 | 344 | 343 | 1 |
| 127 | OSOGBO | 30 | ATAOJA 'D' | 4 | AKOWONJO OPP. | 22 | 290 | 290 | 287 | 3 |

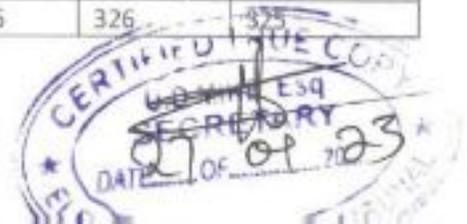


| | | | | | OLD WAEC OFFICE | | | | | |
|-----|--------|----|------------------|----|--|----|-----|-----|-----|----|
| 128 | OSOGBO | 30 | ATAOJA 'E' | 5 | TECHNICAL COLLEGE, OSOGBO | 1 | 294 | 294 | 293 | 1 |
| 129 | OSOGBO | 30 | ATAOJA 'E' | 5 | OGIDAN PRY SCHOOL | 4 | 327 | 328 | 326 | 2 |
| 130 | OSOGBO | 30 | ATAOJA 'E' | 5 | SALVATION ARMY PRY. SCHOOL | 5 | 331 | 331 | 333 | -2 |
| 131 | OSOGBO | 30 | ATAOJA 'E' | 5 | 5, LUCY ADEOTI STREET | 6 | 345 | 346 | 345 | 1 |
| 132 | OSOGBO | 30 | ATAOJA 'E' | 5 | 20, AKINDEKO STREET | 8 | 312 | 313 | 312 | 1 |
| 133 | OSOGBO | 30 | ATAOJA 'E' | 5 | OPP. TECHNICAL COLLEGE | 16 | 331 | 331 | 330 | 1 |
| 134 | OSOGBO | 30 | ATAOJA 'E' | 5 | ADEWOLE STREET | 17 | 377 | 377 | 374 | 3 |
| 135 | OSOGBO | 30 | ATAOJA 'E' | 5 | OKIN STREET BEHIND CAPITAL HOTEL | 19 | 499 | 502 | 499 | 3 |
| 136 | OSOGBO | 30 | OTUN HAGUN B | 6 | AKOLU COMPOUND | 8 | 361 | 363 | 360 | 3 |
| 137 | OSOGBO | 30 | ARE-AGO | 8 | OLUODE ARANYIN | 3 | 327 | 340 | 325 | 15 |
| 138 | OSOGBO | 30 | ARE-AGO | 8 | OWODE VILLAGE I | 8 | 478 | 478 | 477 | 1 |
| 139 | OSOGBO | 30 | ARE-AGO | 8 | 3, OKE AYEPE | 11 | 286 | 286 | 285 | 1 |
| 140 | OSOGBO | 30 | ARE-AGO | 8 | COSTAIN MATERNITY L.G | 12 | 365 | 364 | 362 | 2 |
| 141 | OSOGBO | 30 | JAGUN B' | 10 | ALADORIN COMPOUND | 11 | 174 | 174 | 171 | 3 |
| 142 | OSOGBO | 30 | OTUN JAGUN 'A' | 12 | 20, OKE POPO STREET | 2 | 280 | 280 | 279 | 1 |
| 143 | OSOGBO | 30 | OTUN BALOGUN 'A' | 14 | GBADEBO STREET, BEHIND A.U.D. PRY. SCHOOL II | 12 | 337 | 339 | 337 | 2 |
| 144 | OSOGBO | 30 | OTUN BALOGUN 'A' | 14 | L.G. MARKET GBONMI | 14 | 317 | 317 | 314 | 3 |

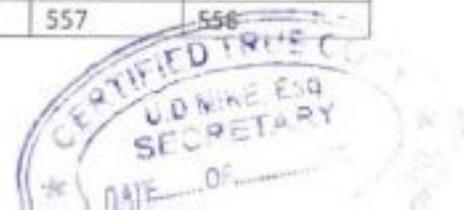
Learned counsel for the Petitioners referred to the evidence of RW1 and submitted that the said evidence is in conflict with exhibit R.BVR 1 -129, and indicated the said conflicts on pages 26 – 29 of his final written address in response to the 2nd Respondents' final written address. The said table is also hereby reproduced as follows;

"TABLE SHOWING INCONSISTENCIES IN THE EVIDENCE OF RW1 AND R.BVR (1-129)

| S/N | LGA | LGA CODE | WARD NAME | WARD CODE | POLLING STATION LOCATION/NAME | PU CODE | PARAGRAPH OF RW1 STATEMENT ON OATH | NUMBER OF ACCREDITED VOTER FROM RW1 STATEMENT ON OATH | NUMBER OF ACCREDITED VOTER FROM SYNCHRONIZED BVAS (EXHIBIT R.BVR 1 – 129) |
|-----|-----------|----------|-----------|-----------|-------------------------------|---------|------------------------------------|---|---|
| 1 | Ede North | 7 | Olusokun | 4 | Beside Olode Mosque | 5 | 20.28 | 428 | 427 |
| 2 | Ede North | 7 | Alusekere | 5 | Alusekere | 2 | 20.36 | 326 | 325 |



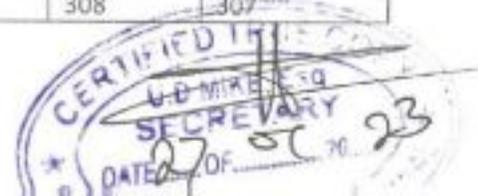
| | | | | | | | | | |
|----|-----------|---|------------------|---|-------------------------------------|----|-------|-------|-----|
| | | | | | Junction | | | | |
| 3 | Ede North | 7 | Alusekere | 5 | Owode Comm. Pry School, | 4 | 20.38 | 1,276 | 858 |
| 4 | Ede North | 7 | Alusekere | 5 | Idi-Oloke Motor Park | 8 | 20.42 | 402 | 399 |
| 5 | Ede North | 7 | Alusekere | 5 | Open Space Cele Junction, Owode Ede | 17 | 20.50 | 427 | 401 |
| 6 | Ede North | 7 | Sabo/Agbangbe II | 7 | 12army Barack Road | 4 | 20.60 | 326 | 235 |
| 7 | Ede North | 7 | Sabo/Agbangbe II | 7 | Barracks Junction | 6 | 20.62 | 416 | 415 |
| 8 | Ede North | 7 | Sabo/Agbangbe II | 7 | No. 1, Alabi Street, | 7 | 20.63 | 344 | 343 |
| 9 | Ede South | 8 | Babanla/Agate | 1 | L.A. School, Obada, Ede | 1 | 21.01 | 658 | 652 |
| 10 | Ede South | 8 | Babanla/Agate | 1 | Babanla Square, Ede | 3 | 21.03 | 430 | 428 |
| 11 | Ede South | 8 | Babanla/Agate | 1 | Alukagun Comp. Ede | 4 | 21.04 | 424 | 423 |
| 12 | Ede South | 8 | Babanla/Agate | 1 | Olumole's Comp. Ede | 7 | 21.07 | 403 | 401 |
| 13 | Ede South | 8 | Kuye | 2 | Kuye's Compound, Ede | 2 | 21.11 | 423 | 426 |
| 14 | Ede South | 8 | Jagun/Jagun | 3 | Jagun Ago Motor Park | 8 | 21.22 | 323 | 321 |
| 15 | Ede South | 8 | Jagun/Jagun | 3 | Olun Gbele Comp. | 9 | 21.23 | 258 | 257 |
| 16 | Ede South | 8 | Jagun/Jagun | 3 | 16, Orita Akala | 10 | 21.24 | 417 | 416 |
| 17 | Ede South | 8 | Alajue I | 4 | Oba Laoye Grammar School, Ede I | 4 | 21.32 | 520 | 519 |
| 18 | Ede South | 8 | Alajue I | 4 | Ode-Oke | 6 | 21.34 | 387 | 382 |
| 19 | Ede South | 8 | Alajue I | 4 | Adetooto Street, (Maricas Junction) | 7 | 21.35 | 388 | 313 |
| 20 | Ede South | 8 | Alajue I | 4 | Anuolu Junction | 8 | 21.36 | 830 | 793 |
| 21 | Ede South | 8 | Alajue li | 5 | L.A. School, Alajue li | 5 | 21.55 | 361 | 360 |
| 22 | Ede South | 8 | Babasanya | 7 | Olorin Junction, Ede | 5 | 21.68 | 417 | 414 |
| 23 | Ede South | 8 | Sekona | 8 | C.A.C. Pry. School, Sekona | 4 | 21.72 | 347 | 338 |
| 24 | Ede South | 8 | Sekona | 8 | St. Peter's School, Sekona | 5 | 21.73 | 375 | 373 |
| 25 | Egbedore | 9 | Awo/Abudo | 1 | Baptist Day Pry. School, Awo | 1 | 22.01 | 432 | 431 |
| 26 | Egbedore | 9 | Awo/Abudo | 1 | Town Hall, Awo | 2 | 22.02 | 299 | 295 |
| 27 | Egbedore | 9 | Ara li | 3 | Isale Ayo Area, Ara | 2 | 22.08 | 557 | 255 |
| 28 | Egbedore | 9 | Ido-Osun | 4 | Ido-Osun | 3 | 22.09 | 557 | 556 |



| | | | | | | | | | |
|----|----------|----|-----------------------------|----|--|---|-------|-----|-----|
| | | | | | Dispensary Premises | | | | |
| 29 | Egbedore | 9 | Ido-Osun | 4 | Ido-Osun Dispensary Area | 4 | 22.10 | 574 | 572 |
| 30 | Egbedore | 9 | Ido-Osun | 4 | New Motor Park, Ido-Osun | 6 | 22.12 | 699 | 695 |
| 31 | Egbedore | 9 | Ira Gberi I | 5 | Iragberi Town Hall | 1 | 22.17 | 326 | 324 |
| 32 | Egbedore | 9 | Ira Gberi II | 6 | Baptist Day Pry. School, Iragberi | 1 | 22.19 | 411 | 408 |
| 33 | Egbedore | 9 | Ojo/Aro | 9 | Baptist Day Pry. School, Aro | 2 | 22.28 | 538 | 497 |
| 34 | Egbedore | 9 | Okin Ni/Olorunsogo /Ofatedo | 10 | Dada Estate Olorunsogo | 1 | 22.29 | 657 | 654 |
| 35 | Egbedore | 9 | Okin Ni/Olorunsogo /Ofatedo | 10 | Dada Estate Olorunsogo | 2 | 22.30 | 533 | 530 |
| 36 | Egbedore | 9 | Okin Ni/Olorunsogo /Ofatedo | 10 | Okubanjo Printing Press Area | 4 | 22.32 | 398 | 369 |
| 37 | Egbedore | 9 | Okin Ni/Olorunsogo /Ofatedo | 10 | St. Georges R.C.M Pry. School, Ofatedo | 6 | 22.34 | 683 | 671 |
| 38 | Egbedore | 9 | Okin Ni/Olorunsogo /Ofatedo | 10 | Oke-Oja Ofatedo | 7 | 22.35 | 550 | 549 |
| 39 | Ejigbo | 10 | Elejigbo 'C'/Mapo | 3 | Beulah Bapt. School, Ejigbo | 1 | 23.16 | 533 | 529 |
| 40 | Ejigbo | 10 | Elejigbo 'C'/Mapo | 3 | Ejigbo Secretariat Complex | 6 | 23.18 | 432 | 430 |
| 41 | Ejigbo | 10 | Elejigbo 'C'/Mapo | 3 | Ope Olori Meji | 7 | 23.19 | 480 | 478 |
| 42 | Ejigbo | 10 | Elejigbo 'D'/Ejemu | 4 | Magistrate Court | 3 | 23.23 | 580 | 438 |
| 43 | Ejigbo | 10 | Elejigbo 'D'/Ejemu | 4 | Oke Odo Ilupeju li | 7 | 23.26 | 406 | 229 |
| 44 | Ejigbo | 10 | Elejigbo 'D'/Ejemu | 4 | Apanpa Ajila Osunfiade | 8 | 23.27 | 388 | 268 |
| 45 | Ejigbo | 10 | Elejigbo/Ayegbogbo | 5 | Ejigbo Shop Complex | 1 | 23.31 | 346 | 345 |
| 46 | Ejigbo | 10 | Elejigbo/Ayegbogbo | 5 | C.A.C.Pry. School, 1 | 2 | 23.32 | 396 | 192 |
| 47 | Ejigbo | 10 | Elejigbo/Ayegbogbo | 5 | Ayegbogbo Dispensary | 4 | 23.33 | 489 | 474 |
| 48 | Ejigbo | 10 | Ifeodan 'A'/Owu-Ile | 7 | Oke Afin/Iwo Ate, Ife-Odan | 4 | 23.38 | 396 | 394 |
| 49 | Ejigbo | 10 | Ifeodan 'B'/Masifa | 8 | Logun Oke-Ola | 1 | 23.40 | 482 | 474 |
| 50 | Ejigbo | 10 | Ifeodan 'B'/Masifa | 8 | Co-Op. Office, Masifa | 5 | 23.41 | 472 | 470 |

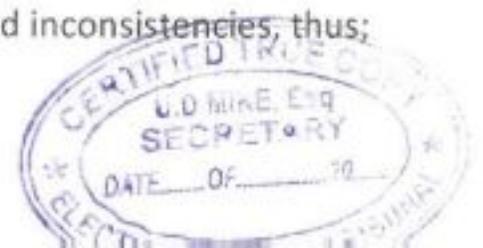


| | | | | | | | | | |
|----|------------|----|------------------------|----|---|----|-------|-----|-----|
| 51 | Ejigbo | 10 | Ilawo/Isoko/Isundunrin | 9 | Isundunrin Bapt. Day School, | 6 | 23.44 | 493 | 492 |
| 52 | Ejigbo | 10 | Ilawo/Isoko/Isundunrin | 9 | Isundunrin Comm. Bank | 7 | 23.45 | 430 | 424 |
| 53 | Ejigbo | 10 | Inisa I/Aato/Igbon | 10 | Aato Postal Agency | 1 | 23.48 | 431 | 426 |
| 54 | Ejigbo | 10 | Inisa I/Aato/Igbon | 10 | D.C. School, Igbon I | 4 | 23.49 | 497 | 353 |
| 55 | Ejigbo | 10 | Inisa I/Aato/Igbon | 10 | Inisa I Bapt. Day School | 8 | 23.51 | 377 | 376 |
| 56 | Ila | 17 | Isedo I | 4 | Secretariat | 13 | 24.16 | 589 | 588 |
| 57 | Ilesa West | 19 | Upper And Lower Igboji | 3 | Upper Igboji (Aseda's House Area) | 2 | 25.14 | 317 | 315 |
| 58 | Ilesa West | 19 | Ilaje | 7 | Space Near End Of Tarred Road, Isale Gen. | 2 | 25.42 | 297 | 296 |
| 59 | Ilesa West | 19 | Ilaje | 7 | Ogedengbe Comm. High School | 4 | 25.43 | 350 | 347 |
| 60 | Irepodun | 20 | Olobu 'A' | 1 | Open Space Dagbolu (II) | 12 | 26.05 | 104 | 101 |
| 61 | Irepodun | 20 | Olobu 'B' | 2 | St. Paul's Grammar School | 3 | 26.07 | 402 | 263 |
| 62 | Irepodun | 20 | Bara 'B' | 6 | Baba Odunayo | 5 | 26.28 | 432 | 401 |
| 63 | Obokun | 24 | Ibokun (Township) | 1 | Ibokun St. Peter's Pry. Schol | 3 | 27.03 | 453 | 448 |
| 64 | Obokun | 24 | Ibokun (Township) | 1 | Ibokun Court Hall | 7 | 27.04 | 302 | 300 |
| 65 | Obokun | 24 | Ilase/Idominasi | 4 | Ilase Dispensary | 13 | 27.13 | 336 | 335 |
| 66 | Obokun | 24 | Esa-Oke | 7 | Esa-Oke United School | 4 | 27.21 | 606 | 599 |
| 67 | Obokun | 24 | Esa-Oke | 7 | Esa-Oke L.A. School I | 7 | 27.23 | 609 | 608 |
| 68 | Obokun | 24 | Esa-Oke | 7 | Oja-Oko Open Space | 9 | 27.25 | 420 | 419 |
| 69 | Obokun | 24 | Esa-Oke | 7 | Esa-Oke Grammar School | 10 | 27.26 | 604 | 601 |
| 70 | Olorunda | 27 | Agowande | 1 | School Of Nursing | 1 | 28.01 | 560 | 558 |
| 71 | Olorunda | 27 | Agowande | 1 | Oke Onitea Irepodun | 8 | 28.06 | 489 | 490 |
| 72 | Olorunda | 27 | Agowande | 1 | Open Space, Mallam Tope Junction, Along Ring Road | 26 | 28.17 | 399 | 345 |
| 73 | Olorunda | 27 | Balogun | 2 | 2, Bishop Street | 2 | 28.21 | 318 | 311 |
| 74 | Olorunda | 27 | Balogun | 2 | 21, Latona | 9 | 28.25 | 308 | 307 |



| | | | | | Street | | | | |
|----|----------|----|----------------|----|---|----|--------|-----|-----|
| 75 | Olorunda | 27 | Owoope | 5 | 157, Sabo Road | 1 | 28.42 | 296 | 294 |
| 76 | Olorunda | 27 | Ayetoro | 8 | Otaefun Settlement | 3 | 28.72 | 746 | 738 |
| 77 | Olorunda | 27 | Ayetoro | 8 | Ajewole Housing Estate | 5 | 28.74 | 518 | 517 |
| 78 | Olorunda | 27 | Ayetoro | 8 | Testing Ground | 6 | 28.75 | 526 | 520 |
| 79 | Olorunda | 27 | Ayetoro | 8 | Community High Sch. Abidogun, Osogbo | 14 | 28.78 | 398 | 162 |
| 80 | Olorunda | 27 | Ayetoro | 8 | Open Space, Deeper Life Junction, Ayekale Zone I, Ayekale, Osogbo | 20 | 28.83 | 507 | 506 |
| 81 | Osogbo | 30 | Ataoja 'D' | 4 | Opp. 7 Up Gbongan Road | 1 | 29.19 | 528 | 527 |
| 82 | Osogbo | 30 | Ataoja 'D' | 4 | C.A.C. Araromi | 4 | 29.22 | 307 | 306 |
| 83 | Osogbo | 30 | Ataoja 'D' | 4 | Alhaji Woleola Junction | 18 | 29.33 | 344 | 343 |
| 84 | Osogbo | 30 | Ataoja 'E' | 5 | Technical College, Osogbo | 1 | 29.52 | 294 | 293 |
| 85 | Osogbo | 30 | Ataoja 'E' | 5 | Ogidan Pry School | 4 | 29.55 | 328 | 326 |
| 86 | Osogbo | 30 | Ataoja 'E' | 5 | Opp. Technical College | 16 | 29.64 | 331 | 330 |
| 87 | Osogbo | 30 | Ataoja 'E' | 5 | Adewole Street | 17 | 29.65 | 377 | 374 |
| 88 | Osogbo | 30 | Otun Hagun B | 6 | Akolu Compound | 8 | 29.86 | 363 | 360 |
| 89 | Osogbo | 30 | Are-Ago | 8 | Olucde Aranyin | 3 | 29.94 | 340 | 325 |
| 90 | Osogbo | 30 | Are-Ago | 8 | Owode Village I | 8 | 29.97 | 478 | 477 |
| 91 | Osogbo | 30 | Are-Ago | 8 | 3,Oke Ayepe | 11 | 29.98 | 286 | 285 |
| 92 | Osogbo | 30 | Are-Ago | 8 | Costain Maternity L.G | 12 | 29.99 | 363 | 362 |
| 93 | Osogbo | 30 | Jagun B' | 10 | Aladorin Compound | 11 | 29.111 | 174 | 171 |
| 94 | Osogbo | 30 | Otun Jagun 'A' | 12 | 20, Oke Popo Street | 2 | 29.120 | 280 | 279 |

Furthermore, learned counsel for the Petitioners submitted that there are inconsistencies in the physical inspection reports in exhibits RWC and 2R.RW2 as shown on page 30 of the his final written address in response to the 2nd Respondents' final written address. He made a table of the said inconsistencies, thus;



"Table showing inconsistencies in the Physical inspection reports in Exh RWC and 2R.RW2

| S/N | LGA | LGA CODE | WARD NAME | WARD CODE | POLLING STATION LOCATION/NAME | PU CODE | Total (Rejected + Valid Votes) | physical inspection by INEC (EXH RWC) | Physical inspt by PDP (2R.RW2) | DIFF IN (RWC & 2R.RW2) |
|-----|-----------|----------|---------------------------|-----------|--|---------|--------------------------------|---------------------------------------|---------------------------------|-------------------------|
| 1 | EDE NORTH | 7 | OLUSOKUN | 4 | OLUSOKUN COMPD. | 9 | 506 | 506 | 509 | -3 |
| 2 | EDE NORTH | 7 | ASUNMO | 10 | OPEN SPACE OKE OGOSUN, EDE | 4 | 354 | 354 | 355 | -1 |
| 3 | EDE NORTH | 7 | ASUNMO | 10 | INFRONT OF ASIPAODE COMPD. OLOSUN | 7 | 66 | 66 | 73 | -7 |
| 4 | EGBEDORE | 9 | IRA GBERI II | 6 | OLOSI AREA IRAGBERI | 3 | 370 | 303 | 370 | -67 |
| 5 | EGBEDORE | 9 | OKINNI/OLORUNSOGO/OFATEDO | 10 | ST. GEORGES R.C.M PRY. SCHOOL, OFATEDO | 6 | 683 | 545 | 683 | -138 |
| 6 | EGBEDORE | 9 | OKINNI/OLORUNSOGO/OFATEDO | 10 | Y.T.D. PRY. SCHOOL, OKINNI | 10 | 965 | 938 | 965 | -27 |

Learned counsel for the Petitioners concluded his arguments to the effect that the evidence tendered by the Respondents are inconsistent and contradictory to each other, contrary to the evidence of the Petitioners, by which reason, the Tribunal should not attach any weight to the defences of the Respondents. The Case of **Dada & Anor v. Ayeni & Ors (2014) LPELR – 41082 (CA) 40 – 41 paras, F – B** is cited for the submissions.

Issues 2 and 3 for determination in this petition, as earlier indicated is, whether there was over-voting in the election conducted on the 16th day of July, 2022 in Osun State, and the consequences, if any.

Over-voting is defined in Section 51(2) of the Electoral Act (Supra), as follows:



"51(2) Where the number of votes cast at an election in any polling unit exceeds the number of accredited voters in that polling unit, the Presiding officer shall cancel the result of the election in that polling unit."

(Underlining ours).

We had earlier found as a fact that, the 1st Respondent deployed on the date of the said election BVAs Machines in the conduct of the said election. That is pursuant to Section 47(2) of the Electoral Act (Supra). The said Section 47(2) provides as follows:

"47(2) To vote, the presiding officer shall use a smart card reader or any other technological device that may be prescribed by the Commission, for the accreditation of voters, to verify, confirm or authenticate the particulars of the intending voter in the manner prescribed by the Commission."

(Underlining ours).

The above reproduced sections of the Electoral Act (Supra), i.e. Sections 51(2) and 47(2) are clear and unambiguous. The said sections would be given their ordinary grammatical meaning. In that regard, the material issue is the number of accredited voters in a Polling Unit, being less than the number of votes cast in a Polling Unit. The said Sections 51(2) and 47(2) of the Electoral Act (Supra), did not make a voters register part of the requirement of accreditation and voting in the election aforesaid. This Tribunal will not import into the said Section 51(2) and 47(2) of the Electoral Act (Supra), what is not contained thereon. The sections aforesaid are different from Section 53(2) of the repealed Electoral Act, 2010, which provided thus;

"53(2) Where the votes case at an election in any poling unit exceed the number of registered voters in that polling unit, the result of the election for that polling unit shall be declared void by the Commission and another election may be conducted at a date to be fixed by the

