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MATRIC NUMBER: 23/15SCS050

COURSE CODE: CSS 307

COURSE TITLE: INTERNSHIP IN CRIMINOLOGY

DEPARTMENT: CRIMINOLOGY

DATE: 27TH SEPTEMBER, 2025

**REPORT ON SIWES PROGRAM UNDERTAKEN BY
NWEZEH VICTORY AT THE UPPER AREA COURT, OFFFA
KWARA STATE.**

**FROM THE 22ND OF JULY TO THE 27TH OF SEPTEMBER,
2024**

CERTIFICATION

This is to certify that this SIWES report was conducted by Nwezeh Victory Chininso with the matric number 23/15SCS050 to the department of sociology (criminology and security studies), Thomas Adewumi University, Oko-irese, Kwara State.

Supervisor's name

Signature and date

Head of department

Signature and date

Acknowledgements

I would like to extend my sincere gratitude to Supervisor's for their guidance and support throughout this research project. Additionally, I appreciate the Organization for providing valuable resources

To the Honourable Judge

I am deeply grateful for the opportunity to intern at Court Name. This experience has significantly enhanced my understanding of court proceedings and honed my skills in legal research. I appreciate the guidance and support from the entire court staff.

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INTRODUCTION

On the 22nd of July 2024, I went to the upper area court in Offa, Kwara state to submit the letter for my SIWES programme.

On arriving at the court, I located the register's office where the register told me I had to see the Judge because he was the one to sign my letter.

I was then directed to the office of the Judge where I met the Judge who introduced himself as Judge Makana.

He (the Judge) asked me some questions after which he signed the letter for my SIWES programme. Afterwards, I went back to the register to inform him of my progress and the register acknowledged and appended his signature to my letter.

After this, he directed me to resume work the next day.

OBJECTIVES

The objectives of my SIWES programme are:

- To have practical work experience in the court.
- To bridge the gap between theoretical knowledge and practical work application.

LESSONS GARNERED FROM THE PROGRAMME

New Key Terms Learnt During the Programme

Here is a list of some of the new terms I learnt during the program:

1. **FIAT:** FIAT is a formal decree or order but in this case, I was told that FIAT is used when the Judge who is in charge of the preceding of a particular case is being transferred

to another court and the people involved in this said case wants that same Judge who has been in charge of their case to continue with their case, in the case the court staff will have to make the Judge aware of such case and then set a convenient date for both the Judge and the people involved in the case for the Judge to come back for the preceding of the said case.

2. **CIVIL MATTER:** this is a non-criminal dispute or lawsuit between individuals, organizations, government entities, etc. At the upper area court where I'm doing my SIWES programme, I learnt that the court takes civil matters such as tenancy, bank order, property disputes, family disputes, etc.
3. **MUSLIM MATTERS:** this typically involves Islamic laws and their applications in various aspects of life. The upper area court where I'm doing my SIWES programme also takes Muslim matters such as divorce, child custody, maintenance, etc.
4. **CRIMINAL MATTERS:** this is a violation of criminal law and it is punishable by the state. The criminal matters that can be taken by the upper area court are only a few because it is a lower court. Examples of such criminal matters are theft, assault, disorderly conduct, etc.
5. **SUIT NUMBER AND CASE NUMBER:** these are unique identifiers assigned to a case. These two are often used interchangeably but there is a subtle distinction. For example, the suit number is a unique identifier assigned to a legal proceeding, typically a civil case. We use CVF for a civil case, for example, UACF/CVF/55/2024, but since

they also deal with Muslim matters in the upper area court, we use CVM, for example, UACF/CVM/55/2024. while a case number is specific to criminal cases. We use CR for example, UACF/CR/55/2024.

6. **DISSOLUTION AND DIVORCE:** these two terms are used for the same purpose which is the termination of marriage in Muslim matters, but the slight difference is, that whenever it is a man who files for the termination of his marriage with his wife it is called marriage dissolution, while it is called divorce for the woman.
7. **ENDORSEMENT AND RETURN:** Endorsement is the act of signing or stamping a document to transfer ownership or confirm authenticity. Return refers to the act of restoring or giving back something. Endorsement and return are used for a case such as bank order.
8. **JUDICIAL SEAL:** This is an official emblem or stamp used to: authenticate documents, verify judgment and order, confirm court preceding and signify the court's authority.
9. **HEARING NOTICE:** This is a formal notification of an upcoming court hearing. This is to inform parties of the hearing date, time and location, it is also used to specify the purpose of the hearing and outlines required actions or documentation.
10. **CAUSE LIST:** This is a schedule of cases to be heard in a court on a specific date or period. This cause list is used to organize court proceedings. It includes case number, case name, case type, hearing date and time, courtroom or Judge assigned and a brief description of the case.

11. QUIT NOTICE: This is a formal written notification to a tenant, occupant or property user to leave a premises within a specified time. It is used to terminate tenancy or occupancy, enforce property rights and provide notice of impending eviction.

TYPES OF COURTS IN NIGERIA AND THEIR HIERARCHY

I also learnt about the types of courts in Nigeria and their hierarchy.

- Supreme court
- Court of appeal

These are known as superior courts.

- Federal high court
- State court
- Sharia court of appeal
- Customary court of appeal
- National industrial court
- Court marshal

These are called courts of coordinate jurisdiction or sister courts.

- Sharia court
- Customary court
- Magistrate court
- Area court

These are called the lower courts.

PS: The difference between a Sharia court and a high court includes the fact that the Sharia court has no criminal jurisdiction while the high court has both criminal and civil jurisdiction.

I will be talking about the high court, magistrate court and upper area court because these are the courts present alongside each other in the same jurisdiction and sometimes they have the Sharia court where I did my SIWES programme.

1. HIGH COURT

The high court is a court of record with unlimited jurisdiction.

Some characteristics of the high court include: It is the highest trial court in a jurisdiction, it has unlimited jurisdiction in both civil and criminal cases and it provides decisions binding on lower courts.

Some jurisdictions of the high court:

- The high court takes civil cases such as disputes, contracts and property.
- It also takes criminal cases such as serious offences and felonies.
- It takes family law cases such as divorce, child custody and maintenance.
- It also takes fundamental rights such as fundamental rights and judicial review.

2. MAGISTRATE COURT

The next one is the **magistrate court** which is a lower court with limited jurisdiction is presided over by a magistrate.

Some characteristics of the magistrate court include: The magistrate court has limited jurisdiction in both civil and criminal cases. The magistrate court is a lower court in the judicial hierarchy. The magistrate court is presided over by a magistrate who is a judicial officer. The magistrate court uses simplified procedures.

Some jurisdictions of a magistrate court

- The magistrate court takes civil cases such as small claims and debt recovery
- The magistrate court also takes criminal cases such as minor offences and misdemeanours.
- The magistrate court takes family law such as child support and maintenance.

It is said that the magistrate court takes on mostly criminal cases and some people refer to the magistrate courts as criminal courts amongst the lower courts.

3. UPPER AREA COURT

The next one is the upper area court (where I did my SIWES programme), this court is an intermediate court in Nigeria's judicial hierarchy, it is above the area court and below the high court.

Some of the **characteristics of an upper area court** include: The upper area court is an intermediate court. It has jurisdiction over civil and criminal cases and also a few Muslim cases. The upper area court appeals from the area court. The upper area court is preceded by a Judge.

Some jurisdictions of an upper area court

- The upper area court takes civil cases, for example, contract, property and family law.
- It also takes criminal cases like minor offences and misdemeanours. It appellates jurisdiction which is the area court decisions.

The upper area court where I did my SIWES programme takes offences like divorce, tenancy cases, first information cases from the police station 1, land matters or land disputes, civil and direct complaints, a few criminal matters, bank orders (maximum amount of 999999), etc.

4. SHARIA COURT

The Sharia court is an Islamic court that applies Sharia law to resolve disputes and administer justice.

Some **characteristics of Sharia court** include: The Sharia court is based on Islamic law (Sharia). The Sharia court has jurisdiction over Muslim and non-Muslim cases (varies). The Sharia court is presided over by a Judge (Qadi or khadi). The Sharia court focuses on moral and ethical considerations.

Some jurisdictions of the Sharia court

- The Sharia court takes family law such as marriage, divorce and inheritance.
- The Sharia court takes personal status such as guardianship and custody.
- The Sharia court takes criminal law such as theft, adultery and fornication. The Sharia court also takes civil law such as contracts, property and debt.

STATUTORY MARRIAGE

Statutory marriage which is also known as court marriage, is a marriage recognised and regulated by law, governed by statutes and regulations.

A statutory marriage can be dissolved or punishable only by the high court.

In a statutory marriage when the husband dies, only the wife has the right to inherit his properties.

THE BASIC DESCRIPTION OF THE COURT

THE BENCH

In a court we have the bench which is the seat of Judges or magistrates in a courtroom, it symbolizes their authority and jurisdiction. The bench is directly in front of the courtroom and facing the rest of the court.

THE REGISTRY

Then there is the registry which is directly in front of the Judge and also facing the rest of the court. The clerk is the administrative department of a court and is responsible for managing court records, processes and operations.

FIRST ROW (THE BAR)

Then there is the first row which is called the bar and is directly facing the bench, the bar is the area in a courtroom where lawyers stand or sit to address the Judge or present their cases.

THE GALLERY

Then directly behind the bar is the gallery which is also facing the Judge, the gallery is the public sitting area in a courtroom reserved for observers, family members and media representatives.

RIGHT/LEFT SIDE OF THE JUDGE

The area on the right side of the Judge is for the plaintiff while the area on the left side of the Judge is for the defendant or respondents.

PLAINTIFF

A plaintiff or a complainant is the person or entity that initiates a lawsuit or legal action against another party, seeking relief or damages. A respondent or defendant is the person or entity

against whom a lawsuit or legal action is brought and is required to respond to the plaintiff's claims.

The plaintiff is used in a civil case and the complainant is used in a criminal case, while the defendant is used in a civil case and the respondent is used in an appellate case.

EXAMPLE OF A CIVIL CASE

POSSESSION OF LAND

When the complainant comes to the court to make a complaint about a case, the first place the complaint will go to is the registrar office which is where the complainant will be told to go and type out a statement. Then when the complainant brings back the statement a new court case file will be opened and the case will be given a suit number, then the registrar will attach the judicial seal to the case file. Then there will be a civil summon, this civil summon will be given to the judge for his signature. The complaint will be given the date to come for the case hearing. The civil summon will be given to the Bailiff. The Bailiff will then go to the defendant for service and endorsement and return, that is, the Bailiff will give the defendant a copy of the civil summon (the service), and the defendant will be asked to sign another copy of the civil summon (the endorsement), which will be returned back to the court to be filed. The accusations against the defendant and also the date the defendant is meant to come for the hearing is written in the civil summon. On the day of hearing if the defendant is absent, the court will serve the person a hearing notice warning. There are times when the defendant will be in need of a lawyer and sometimes when the defendant won't need a lawyer, so on the day of hearing if the defendant come to court without a lawyer and is in need of a lawyer, the case will be adjourned to another convenient date.

EXAMPLE OF A CRIMINAL CASE

THEFT

The police will come to the court with a prosecutor to report an offender who is already in their custody. Then a new court case file will be opened, the judicial seal will be attached to the case file. This process doesn't require a civil summon since the offender is already in the custody of the police. The prosecutor will be the one to talk for the criminal. The victim or victims can also come to the court on the day of hearing to testify against the offender.

COURT PROCEEDINGS

In the upper area court where I did my SIWES programme, the court sitting starts at 9:00. Before 9:00 the lawyers are already seated at the bar and the observers or family members are also already seated at the gallery and the register is also seated at the registry, then at 9:00 the Judges (we have two Judges in the upper area court) knock on the door three times to make everyone aware of their appearance.

The register will then tell the whole court to rise for the Judges to come inside, then when the Judges are seated they tell everyone to sit down, and the court hearing will start.

HEARING IN CRIMINAL MATTERS

I was taught the procedures of hearing in criminal matters. The stages include:

- **The mention stage:**

This preliminary stage in a criminal trial is where the court checks the readiness of the parties and sets the trial date. This stage is to ensure a smooth trial process.

- **The hearing stage:**

This is a substantive stage of a criminal trial where evidence is presented, witnesses testify and arguments are made.

The purpose of this age is to determine guilt or innocence, present evidence and witnesses, testify credibility of witnesses and to apply relevant laws and procedures.

- **The ruling stage:**

This is the final stage of a criminal trial where the Judge delivers a verdict, imposes a sentence or grants acquittal.

The purpose of the stage is to determine guilt or innocence, impose a sentence or grant acquittal, provide a rationale for the decision and conclude the preceding.

Note: During the ruling stage it will be determined whether or not there is a case for the defendant to answer (whether there is a need to defend one's self), and if there is no need to defend that means the case will be dismissed.

In the ruling stage, the Judge will ask the defendant if he/she is guilty or not, and if the defendant pleads guilty the sentence might be reduced.

HEARING IN CIVIL MATTERS

I was also taught the procedures of hearing in civil matters. The stages include:

- **Mention stage:**

It is a preliminary stage in a civil lawsuit where parties confirm readiness and set the trial date.

The purpose of this stage is to confirm the parties' readiness, set a trial date, address preliminary issues and ensure a smooth trial process.

- **Hearing stage:**

This is the substantive stage of a civil lawsuit where parties present evidence and arguments to support their claims.

The purpose of this stage is to present evidence and witnesses, test the credibility of witnesses, apply relevant laws and procedures and determine liability and damages.

- **Defense stage:**

This is the stage where defendants present their case, respond to the plaintiff's claims and argue against liability.

The purpose of this stage is to respond to the plaintiff's claims, present defence evidence and witnesses, challenge the plaintiff's evidence and argue against liability and damages.

- **Judgement:**

This is the final stage of a civil lawsuit where the court delivers a verdict, resolves disputes and grants relief.

The purpose of this stage is to determine liability and damages, resolve disputes between parties, grant relief to the successful party and conclude trial proceedings.

CONCLUSION

I would like to conclude this report by describing the things I like about the court and the challenges I faced during the SIWES placement.

THE THINGS I LIKE

The things I like about the court are:

- The registrar doesn't send me any errands that are not work related, that is, he only sends me errands that have something to do with the SIWES programme.
- The registrar also makes sure I participate in the activities of the court.
- Whenever the judge is around, which is on Mondays and Tuesdays, he takes time to teach me a few things that he feels like we should know during my SIWES programme.

CHALLENGES FACED DURING MY SIWES PROGRAMME

The only challenge I can say the court has is that the court is under-staffed, because there is only one staff member in the court which is the registrar.

ACHIEVEMENTS

- During my SIWES programme I gained lots of practical experience theoretical experience
- I also understand the way a court works.

THE SCHOOL AND MY PROGRAMME

On the 24th of September, 2024, Dr. Daniel Olusegun who is my supervisor from school came to visit the upper area court where I was doing my SIWES programme. We were sitting in the open court at the time when he arrived so he stayed in the open court till we finished the sitting then he went to talk to the register who told him to see the Judge, he went and spoke to the Judge then afterwards asked me a few questions, then he said he was going back to Omu- Aran.

The 27th of September 2024 was the final day of my SIWES programme, which is also the day the register filled out the industrial-based supervisor's evaluation form which is behind my SIWES programme logbook.

My programme at the Upper Area Court was very productive and I believe I have amassed some knowledge which will help me to properly apply this course in the near future.