

13th August, 2025.

The Chief Executive Officer/Managing Director,
 Fresh FM Nigeria,
 Ayefele Music House,
 Challenge, Ibadan,
 Oyo State.

Dear Sir,

1. PROTEST AGAINST THE MALICIOUS AND DAFAMATORY COMMENTS MADE AGAINST THE PERSON AND ESTATE OTUNBA ROTIMI AJANAKU.
2. BREACH OF OTUNBA ROTIMI AJANAKU'S FUNDAMENTAL RIGHT TO FAIR HEARING AND THE PRINCIPLE OF AUDI ALTERAM PARTEM.
3. DEMAND FOR THE PAYMENT OF THE SUM OF N100,000,000 (ONE HUNDRED MILLION NAIRA) AS GENERAL DAMAGES.
4. OTHER INCIDENTAL MATTERS.

We act as Solicitor to **Otunba Rotimi Ajanaku** hereinafter referred to as our Client and on whose behalf and express instruction we hereby, forward this Letter.

It is the information of our Client that at the early hours of 13th August, 2025, he started receiving calls from friends, colleagues and associates from all across Nigeria that a publication has been made against him on-air via your radio channel that he had caused an obstruction to the right of way of members of the Imalefalafia Community, off Obafemi Awolowo Way, Oke-Ado, Ibadan, Oyo State leading to the incidence of flood within the Community and destruction of the late Pa. Awolowo's master plan for the community as a result of his construction activities for the establishment of Dino Hotel.

This shocking news of the allegations made against our Client also made him to make findings and verifications which confirms the truth of the information he received from his friends, colleagues, associates amongst others.

This however, has prompted this Letter to you for your immediate attention and redress.

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 P. O. Box 1893, Dugbe Ibadan
 ABUJA OFFICE: c/o Lukman O. Fagbemi Esq. Lawlead Consult. No. 1, Kinshasa Street, Wuse Zone 6, Abuja.
 LAGOS STATE: c/o Olusegun Shoneye & Co, 169, Ikorodu Road, Onipanu, Lagos

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BACKGROUND FACTS

It is the information of our Client that he had lawfully acquired the parcel of land situate at Imalefalafia Community, off Obafemi Awolowo Way, Oke-Ado, Ibadan, Oyo State from the rightful owners by purchase for the purpose of establishing Dino Hotel.

Upon the acquisition, our Client had a Survey Plan drawn over the parcel of land and equally obtained the requisite approval of a building plan and other relevant documents from all concerned governmental agencies and ministries targeted towards the construction of the said Dino Hotel consequent upon which construction activities commenced in earnest.

Indeed, and as expected, building materials were being deposited on the parcel on land and used up immediately by the site workers who reports daily on the site for an everyday construction activity and being supervised by our Client's appointed Site Engineer who acts as his lawful agent in respect of the construction activities as our Client is usually out of the jurisdiction of Ibadan based on the nature of his business.

It is however shocking to know that your company being a company of repute in the media/broadcasting space would receive a complaint against a person or an organization (our Client in this instant case) and then immediately move to publish such complaints and/or allegations to members of the public failing to carry out its background investigations verifying the truth of the allegation and most importantly, demand an explanation or a reaction from the party being alleged of a misconduct.

Evidently, your actions against our Client is a clear breach of his fundamental rights to fair hearing and/or the fundamental principle of *audi alteram partem* i.e. hear both sides and consequently, defaming the person and estate of our Client thereby demeaning his personality in the mind of right thinking members of the public.

As a company of repute, it reasonably expected that in addressing the allegations made out against our Client, there are certain standard and professional procedures that ought to be followed before agreeing and conceding to the guilt of our Client as maliciously done by your Company. Some of the standard and professional procedures which ought to have been satisfied by your Company, amongst others, include but not limited to:

- a. requesting for a Survey Plan to determine the actual boundary of our Client's parcel of land;

- b. requesting for the government master plan covering Imalefalafia community in order to determine the alleged damage to late Pa. Awolowo's master plan and a contravention of the relevant Town Planning laws as alleged by members of the Imalefalafia Community to your news correspondent; **Adeola Bankole** which thus, was re-echoed by your Company in its news broadcast;
- c. bringing the attention of our Client to the allegations against him through his site engineer/supervisor if he cannot be contacted directly for the purpose of obtaining a balanced report as an unbiased umpire;
- d. demanding to know if the said complainants had lodged a complaint at the relevant government agency and evidence of same; e.t.c

Rather than follow standard procedures, your Company, as one with a great spoil, eagerly rushed on-air to make frivolous allegations against our Client which was calculated to defame our Client thereby, demeaning his reputation in the face of right thinking members of the public.

Your defamatory publication against our Client had received widespread publication which had left our Clients phone buzzing endlessly with calls for far and near across Nigeria.

It is appalling to find out that your Company which ought to assist in safeguarding peoples' rights and interest had allowed itself to be used as an instrument to perpetuate injustice against citizens of Nigeria as in the case of our Client and a tool for breaching our Client's guaranteed fundamental rights.

Your actions i.e. the news broadcast has created an **innuendo** against our Client in suggesting him to be a criminal by distorting late Pa. Awolowo's master plan and contravening Town Planning laws despite obtaining all relevant approvals and permission thereby, damaging his personality in the eyes of right thinking members of the society.

We find this ugly development highly unfortunate and greatly unexpected of a Company of your calibre as our Client is such a person of sterling record and impeccable character, a philanthropist, a political leader and mentor as well as a magnanimous man at heart widely loved by all.

POSITION OF LAW

We shall quickly intimate you of the legal consequences of your actions against our Client which action was carried out through the instrumentality of a news broadcast by your Company.

It has been above established that you have knowingly and unlawfully represented our Client to the public to be a disruptor of law and order and hence, we wish to let you know the legal consequences as provided for under the law. **Section 375** of the **Criminal Code Act** provides thus:

*"Subject to the provision of this Chapter, any person who publishes any defamatory matter is guilty of a misdemeanor, and is liable to **imprisonment for one year**; and any person who publishes any defamatory matter knowing it to be false is liable to **imprisonment for two years**."*

By the above provision of law, it is very clear that the publication of your defamatory comments against our Client with the intent of injuring his character and reputation amounts to acts of Defamation which by now, you very well know the legal implication flowing from the above quoted law.

Also, *On Meaning of Defamatory statement*, the Court of Appeal in the case of **SALAWAL MOTOR HOUSE LTD v. LAWAL** (1999) 9 NWLR, PART 620 AT 694 held thus:

*"A defamatory statement is one which has a **tendency to injure the reputation of the person to whom it refers**"*

Further speaking *On The Test for whether words are defamatory*, the Court of Appeal in the above cited case held thus:

"In deciding whether words are defamatory, the applicable test is whether right thinking members of the society will regard the words in their ordinary and natural meaning as casting any aspersions on the character of the plaintiff"

With reference to your news broadcast, and flowing from the above cited case law, we submit that the publication against our Client amongst others amount to an act of Defamation **as the publication was done with the intent of injuring our Client's character and reputation in the mind of right thinking members of the society.**

It trite that by your actions against our Client, you have immediately become liable to our Client in damages. In substantiating this position of law, the honourable Court in the case of **First Bank of Nigeria Plc. and Anor. V. Mrs. Dibo Aboko** (2007) 1NWLR, pt. 136-137 @P.150, para. E On whether proof of damages necessary in libel cases:

"Proof of damages is unnecessary in libel cases as libel is of itself a wrong in regard to which the law imputes general damages. There is

therefore, no need to prove resulting actual damages or injury to the reputation of the plaintiff for such damages is presumed by law”.

In the same vein, the Court: On Relevant considerations in assessment of damages in defamation cases held thus:

“In embarking on the assessment of damages in defamatory cases, the court must ensure that the award made is adequate as to assuage the injury to the plaintiff's reputation, character and pride which were damaged and unjustifiably invaded. (P.150, paras. C-D)”.

It is imperative that we reiterate to you that in the event of disputes as this, such dispute can only be lawfully resolved by a Court of competent jurisdiction or in the alternative, the exploration of any of the Alternative Dispute Resolutions (ADR) mechanisms and not through the publication of defamatory comments as done by you which in turn has now attracted civil and criminal liabilities to you.

OUR DEMANDS

Flowing from the above, we hereby make the following **demands**:

1. That you **refrain from further defamation** of the character and reputation of our Client through your Company's news broadcast or on any other platform maintained by you.
2. That you offer a **public apology** to our Client for the acts of defamation occasioned against him by your Company.
3. That you pay a sum of **N100, 000,000.00 (One Hundred Millions Naira)** to our Client as General Damages for the unlawful act of defamation occasioned against him by you.

TAKE FURTHER NOTICE that in the event that you willfully fail to accede/comply with our demands within Seven (7) days from the date of the receipt of this Letter, we shall have no other choice than to proceed with further legal steps under the relevant extant civil and criminal laws against your Company, your agents, assigns or anyone howsoever working pursuant to your instruction without further recourse to you. Equally, we shall be compelled to file a formal complaint against your Company to the **Nigerian Broadcasting Commission** having breached an established principle as prescribed by law to verify and conduct due investigations on the veracity of alleged facts before publishing same for public consumption.

We hope that upon the receipt of this letter, it will be accorded the due urgency it deserves as we anticipate your unflinching cooperation. **There is wisdom in compliance!**

We thank you.

Yours faithfully,



CHIEF (DR) T.A 'LOWO OBISESAN,
(Chairman/Founding Partner)
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