‘‘Issue estoppel’’ is the bar prohibiting the prosecution from adducing an evidence in a subsequent trial where the previous acquittal is not being challenged. The Criminal Procedure Act, does cover the principle. Estoppel is described as a rule by which a person in same case will not be allowed the contrary of a fact or state things which ha has formally asserted by words or conduct this is according the law of evidence book of Sakar.

"Issue estoppel" is the creature of the judicial decision, its binding and conclusive. Once the matter has been tried and determined by a competent court and that court reached the conclusion of the issue(s), no one is allowed to challenge that finding on the same issue in the subsequent case, so the essence of issue estoppel is to prevent the prosecution from adducing an evidence on the same issue that has already been decided since it could disturb the finding of the court provided at the previous trial unchallenged. This principle strictly speaking is not a plea that goes to bar the trial and conviction to an accused for different offence, this means the different issue of determination and different offence from the previous offence. Therefore, a person can be tried again with different issue apart from the previous determined issue. Referring to Section 70 of the Interpretation of Laws Act [Cap, 1R.E.2019], which explains about double jeopardy, that an offender is liable to be prosecuted again under same act but in different offence(s), when the act constitutes more than one offence. So the issue estoppel will stand only when the same determined issue is raised again in the subsequent case to prevent evidence designed to upset the finding of facts recorded by competent court at a previous trial. In the case of Issa Athumani Tojo v R [2003] TLR 199, the appellants were charged with an offence of receiving stolen property contrary to Section 311 of the Penal Code [CAP 16R.E.2022] in the first case, and Possession of stolen property in the second case, contrary to Section 13(1) of Arms and Ammunition Ordinance, property of one Hakem Jetha (complainant in both cases).The issue in both cases was whether the appellant and co-accused had been in possession of the complainant rifle . The court of Appeal stated that in order to invoke the doctrine of issue estoppel, the parties in the two trials must be the same and the fact in issue proved in earlier trial must be identical with what sought to re-agitate in subsequent trial. By emphasizing what the court stated on issue estoppel, the point of determination could be the same or identical and also could be created by different laws.

"Autrefois acquit "and "autrefois convict" are rules which are embodied in double jeopardy principle, which provides that a person should not be tried and punished for the same offence, after being tried and valid convicted or acquited in a competent court in term of jurisdiction, so the principle prevents a person to be tried twice for the same facts and the same offence.

General rule established in the Criminal Procedure Act [CAP 20 R.E.2022] under section 137 it emphasizes that a person who has been tried with the court of a competent jurisdiction and convicted or acquitted and such acquittal or conviction is still in force, is not liable to be tried again with the same fact and same offence as charged previously. So this means that the principle is preventing a person from being tried again, the principle is against the second trial on the same facts and offence. However, the Act does not prevent the second trial in the same fact but different offences, as explained under section 138 of the same Act, emphasized that a person acquitted or convicted with any offence can be tried again with different offence which arose in the same transaction which could have been charged jointly to the former trial. This means a single act may result to a commission of two or more offences that ought to be charged jointly under a single charge sheet, so if the offences were not joined, they may be charged in different trials. Therefore, the same acquitted or convicted person may be liable, prosecuted and punished for any different offence which arose in the previous act, as it was stated in the Interpretation of Laws Act[CAP.1R.E.2019] Section 70 “where an act constitutes two or more offences, whether under the same written law or otherwise, the offender is liable to be prosecuted and punished for any of all such offences but is not liable to be punished twice for the same offence’’. So the Act under double jeopardy does not prohibit the second trial for a different offence but prohibit multiple punishment for the same offence.

In order for the doctrine autrefois to apply it is necessary that the accused should have been put in peril of conviction of the same offence in fact and in law, as that with which he is then charged. It is also necessary that the accused person to establish that he had been tried by a court of competent jurisdiction.

The difference between the doctrine of "issue estoppel" from "autrefois" principles, is that the latter prevents the prosecution from impugning the validity of the verdict as a whole, the former prevents it from raising again any of the separate issues of fact which the court have decided or are presumed to have decided, in reaching their verdict in the accused’s favour.This difference was stated by Lord Devlin in Connelly v DPP [1964] AC 1254 was a landmark appeal whereby the court of appeal set out the way in which double jeopardy trials can take place in British law. It was ruled such proceedings should only be stayed where a retrial would be an abuse of process that violated fairness and hampered the rights of the defendant. Connelly had been tried for murder while in the commission of a robbery and was found guilty despite a defence of lack of intent for murder. Connelly then appealed to the Court of Appeal, where his conviction was overturned and he was acquitted of murder for lack of proveable intent to kill or cause

serious injury at the moment or leading up to the killing and the offence reduced to robbery. Connelly pleaded autrefois acquit but the argument was rejected and he was convicted of robbery .It was ruled that offences of murder and robbery differ enough in fact and in law" that charges for both offences must together stand.

The rule is not the same as the plea of autrefois acquit and autrefois convict which prevents the trial of any offence . Issue estoppel relates only on admissibility of evidence which is designed to upset a finding of fact recorded by a competent court at a previous trial. It is a settled law that verdict given by a competent court is binding and conclusive in all subsequent proceedings.

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