

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY,
IN THE ABUJA JUDICIAL DIVISION,
HOLDEN AT COURT NO. 18 JABI, ABUJA.**

BEFORE HIS LORDSHIP: HON. JUSTICE O.A. MUSA.

Suit No. FCT/HC/CR/155/2016

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA

..... COMPLAINANT

AND

ABIODUN OYEBANJI YAHAYA

.....DEFENDANT

JUDGMENT DELIVERED ON THE 28TH SEPTEMBER, 2016

C. C. Ndubeze (Mrs.) for the Prosecution

Biola Oyebanji Esq. for Defendant

Court: The Defendant is present in Court speak and understand English language.

Prosecution: Before the Court is a charge CR/155/2016 dated 13/04/2016 and filed 14/04/2016. May we humbly apply that the charge be read to the Defendant to enable him take his plea.

Court: Read the two count charge to the Defendant to enable him make his plea.

Court: Defendant did you understand the 1st count read to you in English language what do you plea, guilty or not guilty?

Answer: Yes I understand.

Court: Are you guilty or not guilty?

Answer: I am guilty.

Second Count

Court: Defendant did you understand the 2nd count read to you in English language what do you plea, Guilty or not guilty?

Answer: Yes I understand

Court: Defendants are you guilty or not guilty?

Answer: I am guilty.

Prosecution: In view of the plea of guilty of the accused person, I shall be urging the Court to pronounce the accused guilty as he pleaded and sentencing him accordingly on the 1st and 2nd charge respectively.

Court ruling: In view of the plea of the Defendant admitting guilty to the two Courts charge for criminal breach of trust under section 312 penal code, in the 1st count and second count haven understood clearly the content of the offences read to him in English language, I hereby found you guilty as charged.

Defendant counsel: Before the Court passed the sentence on the Defendant, we are urging the Court to temper justice with mercy; the Defendant has indeed undergone a very serious stigmatization. The Defendant has indeed learnt a lesson. He is also a first timer.

2. The family also has made an undertaken to pay back the said sum involved.

The convict is a married man with family and has a new twice children. We urged the Court

to look at the month of Ramadan to be lenient to the convict. We are also urging the Court to give the Defendant an option of fine, hence the law provided for it. That the Court should also observed that the convict did not waste the time of the Court; we urged the Court to be liberal to him and allowed him a option of fine hence the law allowed it.

Prosecution:

With every sense of respect we want to show that the convict has shown a high level of remorse. However, the nominal complaint has confirmed to me that if the Court can make an order of restitution, they are ready to forgive him. So we are humbly apply for restitution order be made in the sum of N5 million to the nominal complaint.

Court:

In view of the fact that the defendant has pleaded guilty to the two count charge brought against him under section 312 Penal Code Law for committing an offence of criminal breach of trust punishable under Section 312 Panel Code Law, an offence which shall be punished with imprisonment for a term which may extend to seven years or with fine or both,

I have considered the plea of allocutions made on behalf of the Defendant by his defence counsel.

I equally take the cognizance of the fact that the Defendant by looking at him look so remorse and disappointed for his action. And more importantly that he has since been making some payment of the part of the sum to this victim i.e. the nominal complaint.

I do also understood the arrangement made by the nominal complaint and the officer of the EFCC that, they are ready to take compensation by way of restitution of the sum of N 5 million which the Defendant and his parent are ready to pay.

Be that as it may, the Court however shall punish the Defendant going by section 312 of the penal code law.

Nevertheless, having considered the plea of allocutus made and also the Defendant been a first offender, I believed he has regretted his actions with the hope that he will never go back to it in his life time.

In conclusion, haven said all above, I hereby sentence the defendant to a term of two years in imprisonment beginning from the date of his arrest, however with an option of payment of fine of N500, 000.00 orders in lieu of imprisonment. I so hold.

Defendant counsel: We are grateful.

Prosecution: We are grateful.

Sign

Hon. Judge

28/09/2016