

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY
IN THE JUDICIAL DIVISION ABUJA
HOLDEN AT LUGBE, ABUJA
BEFORE HIS LORDSHIP: HON. JUSTICE ASMAU AKANBI – YUSUF.**

SUIT NO: FCT/HC/CR/32/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA-----PLAINTIFF

VS

SIMON IGOCHE & 1 OR -----DEFENDANT

DATE: 13/03/19

Hadiza Afegbua, Mariam Sheriff for prosecution

N. A. Idakwo, Albert Danjuma – 1st and 2nd Defendants

Counsel.

Prosecution: The Prosecution filed a 4 Count Information before the Court, due to the absence of the 2nd Defendant at the last adjourned date, the Defendants couldn't be arraigned.

However the 1st & 2nd defendant have opted for a plea bargain arraignment. In view of this development, we have an amended information before the Court this morning together with the plea bargain agreement. The amended information was dated 5th March, 2019 and filed on the 6th March, 2019.

We pray the Court to accept the information and cause same to be read to the defendant to enable them take their plea.

D/Counsel: We confirm that, that is the position and we urge the court to enable us make allocutus, after the charge has been read.

Court: The application for amendment of the charge is granted

Signed.

Court: Do you understand the information read to you?

1st Def: I understand.

2nd Def: I understand.

Court: Are you guilty or not?

1st Def: I am guilty.

2nd Def: I am guilty.

Signed.

Prosecution: The defendants filed separate plea bargain agreement pursuant to **section 270 Administration of Criminal Justice Act (ACJA) 2015**, the 1st defendant filed a plea bargain agreement dated 1st March, 2019. The agreement is duly executed by the defendant Counsel, the prosecutor, the 1st defendant himself and the victim Mr. Obed Ewurum told the prosecution that he has waived his right over the money and also deposed to an affidavit to that effect, we adopt the plea

bargain agreement in this case and we pray the Court to accept the terms of the plea bargain to form and constitute the judgment of the Court.

The 2nd defendant plea bargain agreement is dated 6th March 2019 and was also executed by the defendant himself, Counsel, the prosecution and the victim who also deposed separately to waive the money involved.

We urge the Court to accept the terms of the plea bargain to constitute the judgment of the Court in this case.

Signed.

D/Counsel: We confirm that is the true position.

Signed.

Court to the 1st defendant: - The court complied with **section 270 (10) ACJA (Administration of Criminal Justice Act) (read out the provision to the defendants)**

Court: to the 2nd defendant: - The Court complied with section 270 (10) ACJA

Signed.

13/3/19

CONVICTION

By an amended Information dated the 6th March, 2019, the 1st and 2nd Defendants were arraigned for the offence of cheating contrary to **Section 320 (B) of the Penal Code law.**

The offence is punishable under **Section 322 of the Penal Code law.**

The defendants pleaded guilty to the charge.

The Prosecution on the other hand informed the Court of the plea bargain agreement entered into by the nominal complainant (victim), Prosecution, Defendant's Counsel and the Defendants.

The punishment to be imposed on the Defendants was left to the discretion of the Court.

I have read the Application of the Defendants, together with the Affidavit deposed to by the victim. I see no reason why the Application shouldn't be granted, more so when I have confirmed from the Defendants as to the voluntariness of the agreement.

The essence of plea bargain Agreement is to ensure the speedy dispensation of justice and also to save the time and resources of the Court and Parties.

Thus in view of the admission of the Defendants, the 1st Defendant is hereby convicted for the offence of cheating contrary to **Section 322 (b) Penal Code Law**, and punishable under **Section 322** of the same Act.

Also the 2nd Defendant is convicted for the offence of cheating contrary to **Section 320 (b) of the Penal Code Law** and punishable under same Act.

Signed.

Court: Prosecution, any previous conviction?

Prosecution: None.

Convict/Counsel: We submit that the two accused persons are first time offenders and the offence for which they have pleaded guilty gives the Court the discretion to impose a sentence of up to 3 years fine or both.

Both the accused persons are married with Children. They are bread winners of their family and the sentence of a prison term would put their family in Jeopardy and great hardship. Even in the plea bargain agreement, the prosecution agreed that they have shown great remorse. See paragraph 4 of affidavit and in line with Federal Government of Nigeria on prison decongestion, we urge the Court to sentence them to a fine in the most liberal terms to enable them contribute to the development of this Country. We urge the Court to temper justice with mercy.

SENTENCE

The court has considered the submissions of the learned Counsel to the convicts for mitigation of sentence, I have watched their demeanor and I can see they are remorseful.

I agree with their Counsel to sentence them in the most liberal terms, so as to give them opportunity to be able to contribute to the development of this Country.

The 1st defendant is hereby sentenced to 3 months imprisonment with an option of fine of N200, 000.00.

Also the 2nd defendant is sentenced to 3 months imprisonment with an option of N200.00.00.

D/Counsel: I am most oblige.

Prosecution: I am grateful my Lord.

Signed.

13/03/19

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HON. JUSTICE ASMAU AKANBI – YUSUF
(HON. JUDGE)