

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO**

SUIT NO: FCT/HC/CR/986/20

DATE: 14/12/2020

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

OTAKORE FRANK UFUOMA.....DEFENDANT

JUDGMENT

(BEFORE HIS LORDSHIP HON. JUSTICE S. B. BELGORE)

In this criminal trial, the Defendant was charged with a one count charge, to wit:

“STATEMENT OF OFFENCE COUNT 1

Possession of fraudulent document contrary to S.6 and punishable under section (8) (b) and (c) of the Advanced Fee Fraud and Other Fraud Related Offences Act No. 16 2006.

PARTICULARS OF OFFENCE

FRANK UFUOMA OTAKORE on or about the 23rd day of June, 2020 at Abuja within the jurisdiction of this honourable Court was found in possession of a document containing false pretence”.

The Defendant upon arraignment pleaded not guilty to the offence. Consequently, the learned prosecuting Counsel O. T. Oji Esq informed the Court that the parties i.e. prosecution and the Defendant have entered into a plea bargain. She submitted that the plea bargain agreement filed on 20/11/20 was signed by the Defendant, his Counsel and the prosecution. Learned

Counsel then urged me to give effect to the agreement as a judgment in this case.

The Defendant's Counsel equally agreed that they were privy to the plea bargain. And also urged me to give effect to it. Mr. E. E. Amedu then submitted that the Defendant is a young adult, final year student of Delta State University and a first time offender.

I have considered and peruse the content of the plea bargain agreement as filed by both parties in this case. I am satisfied that the agreement conforms with the stipulations or provisions of S.270 of the Administration of Criminal Justice Act 2015 particularly sub (4) thereof. Section 270 (4) reads:

"The Prosecutor and the Defendant or his legal Practitioner may, before the plea to the charge, enter into an agreement in respect of:

(a) The term of the plea bargain which may include the sentence recommended within appropriate range of punishment stipulated for the offence or a plea of guilty by the Defendant to the offence charged or a lesser offence of which he may be convicted on the charge; and

(b) An appropriate sentence to be imposed by the Court where the Defendant is convicted of the offence to which he intends to plea guilty".

Consequently, and having considered *in extensio*, the content of the charge vis-à-vis count 3, the plea of the Defendant, the

content of the plea bargain agreement and the provisions of the extant law, to wit: Section 270 (4) (a) and (b), I found the Defendant guilty of the offence charged and sentence to a term of six (6) months imprisonment or One Hundred Thousand Naira (N100,000.00) only. The convict is to also surrender the following items to the Federal Government of Nigeria;

- (a) HP Laptop (Golden colour)
- (b) Samsung Galaxy (Black colour)
- (c) Nokia Handset (Black colour)
- (d) Huawei Handset (Blue colour)

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S.B. Belgore
(Judge) 14-12-20