

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

BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE

CHARGE NO. FCT/HC/CR/328/2016

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA PROSECUTION

AND

1. JUSTIN ITEMBOAGBO	}		}		DEFENDANTS
2. DAYO USMAN ALIYU					
3. OJEIFO ROBERT SYLVANUS					
4. DAYANG JACOB					

JUDGMENT

26TH FEBRUARY 2024

In totality, the evidence of the 1st, 2nd and 3rd Defendants collapsed like a pack of cards. I therefore find the 1st, 2nd and 3rd Defendants guilty as charged.

The 4th Defendant is found Not Guilty. He is accordingly discharged and acquitted.

PROSECUTION: We are grateful for the industry.

1ST & 3RD DEFENDANTS' COUNSEL: We are grateful for the industry.

4TH DEFENDANT'S COUNSEL: We thank the Court for the industry. Justice has prevailed for the 4th Defendant.

1ST & 3RD DEFENDANTS' COUNSEL: We shall make allocutus. On behalf of 1st and 3rd Defendants, we are crying before the Court. they are first offenders. They do not have any criminal antecedents.

The 1st and 3rd Defendants have lost their voice. God forgives our sins. We urge the Court to tamper justice with mercy to the convict.

The Court should give them a second chance to be useful to the society. We urge the Court to tamper justice with mercy.

The Court should exercise discretion to give them an option of fine.

2ND DEFENDANT'S COUNSEL: We humbly urge the Court to tamper justice with mercy. The 2nd Defendant is a first offender. He is the breadwinner. We urge the Court to tamper justice with mercy.

The Court should give option of fine. They have shown remorse.

PROSECUTION: We submit to the discretion of this Court.

SENTENCE

I have carefully listened and considered the plea of 1st and 3rd Defendants and 2nd Defendant's Counsel. It is moving. The Prosecution relies on the discretion of the Court.

The Defendants are all approaching 60 years of age. They are aged. They have been out of job for 8 years. I shall have mercy on them. God does not require the death of a sinner but that all should come unto repentance.

COUNT 1:

1st Defendant is sentenced to two (2) years imprisonment or ~~N~~500,000 fine.

2nd Defendant is sentenced to two (2) years imprisonment or ~~N~~500,000 fine.

3rd Defendant is sentenced to two (2) years imprisonment or N500,000 fine.

COUNT 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 & 23 against 1st, 2nd and 3rd Defendants:

1st, 2nd and 3rd Defendants are sentenced to two (2) years imprisonment on each count or ~~N~~1,000,000.00 fine each.

COUNT 24, 25, 26 against 1st Defendant:

1st Defendant is sentenced to one (1) year imprisonment each without an option of fine in Count 24, 25 and 26 respectively.

In respect of Count 27:

2nd Defendant is sentenced to one (1) year imprisonment without an option of fine.

COUNTS 29, 30 & 31 are against the 2nd Defendant:

He is sentenced to one (1) year imprisonment each in Counts 29, 30 and 31 respectively without an option of fine

While in Count 32:

1st Defendant is sentenced to one (1) year imprisonment or ~~N~~500,000 fine.

2nd Defendant is sentenced to one (1) year imprisonment or ~~N~~500,000 fine.

3rd Defendant is sentenced to one (1) year imprisonment or fine of ~~N~~500,000.

The Sentences are to run concurrently while fines are cumulative.

PROSECUTION: I do not know the exact amount of Federal Government monies that we paid as salary to the Defendants.

COURT: In the circumstance, this Court cannot Order a refund of Federal Government monies paid as salary.