

**IN THE HIGH COURT OF JUSTICE OF THE F.C.T.**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT ZUBA, ABUJA**

**ON MONDAY THE 18<sup>TH</sup> DAY OF MARCH, 2024**

**BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA**  
**JUDGE**

**SUIT NO.: FCT/HC/CR/22/2022**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA        ----    COMPLAINANT**

**AND**

**JACOB DAGBOYI                        -----        DEFENDANT**

## **JUDGMENT**

On the 31<sup>st</sup> October, 2022 the Defendant, Jacob Dagboyi was arraigned before this Court on a 3 Count Charge in that he had unlawful carnal knowledge of a minor named Miss “A” who lives in the same address/house as the Defendant. It was alleged that he unlawfully and intentionally forcefully penetrated the vagina of the said Miss “A” on or about the 17<sup>th</sup> July, 2020 at his house in No. 55 Jikwoyi Extension, Phase III, FCT – Abuja.

That his forceful engagement of the same Miss “A” in unlawful sexual act is detrimental to the physical and psychological well-being of the victim. That because the victim had blood relationship with the Defendant, the Defendant was also charged with offence of consanguinity and affinity as contained in **S. 25 of Violence Against Persons (Prohibition) Act, 2015** and **S. 5 (1)** and **S. 1 of the same Act.**

He pleaded Not Guilty to the 3 Counts. The Prosecution has opened their case and had called 2 Witnesses – PW1 & PW2. The Court advised the parties that while the matter is going on that parties can explore Plea Bargain if they so wish.

Today, the 18<sup>th</sup> day of March, 2024 the parties have approached this Court with a Plea Bargain Agreement entered into by the parties.

By the advent of ACJA in 2015 the parties in a criminal matter have a right to enter into Plea Bargain Agreement and can if they agree pen down their terms and file same. They can come before the Court to adopt same and there the Court will enter it as Consent Judgment of the parties as Court does in Terms of Settlement in civil matters. That has been the global trend and Nigeria has joined the global league on Plea Bargain Agreement and it has become part of our jurisprudence.

It is imperative to state that in a matter where parties entered into Plea Bargain that the Defendant is expected to be charged with a lesser offence and that the Prosecution must amend its Charge and the Defendant take a fresh plea. Where that is done the Defendant must plea Guilty to the new Charge and automatically be convicted. The whole essence of the Plea Bargain is on the sentencing which is done based on the Agreement of the parties in lieu of serving the term in prison.

It is also imperative to state that though the parties may enter into Agreement o Plea Bargain in terms of their choice, but the Court still has the discretion to consider same and ensure that the terms are reasonable and in lieu with the proper proceeding of law so that it will be a win-win situation for both the victim and the Defendant.

It is also imperative to state that once the terms of Plea Bargain is adopted that and the Court enters it as the Consent Judgment in lieu of sentencing, it has the same efficacy with any Judgment of Court gotten after full trial of the case.

In this case, the Prosecution has filed an Amended Charge of One (1) Count. The Defendant had taken a fresh plea – this time the Plea of Guilty to the one Count of lesser offence. The old Charge of 3 Count has been struck out before the new plea was taken. That

means that in this case the Defendant – Jacob Dagboyi is been charged with a lone Count Charge and he had pleaded Guilty to it. The parties had before now entered a Plea Bargain Agreement.

It is the law that once a person had pleaded Guilty to an offence that the Court will not waste time but to convict the person without further ado of allowing the Prosecution to prove the case against the Defendant. Again, once the Court convict the person, the Court will then read out the terms of Plea Bargain in lieu of sentencing.

In this case the parties have done same as seen before all and sundry.

This Court therefore convicts you, the Defendant, Jacob Dagboyi for the one Count Charge of engaging in unlawful sexual act with Miss “A” an offence contrary to **S. 5 (1) of Violence Against Persons (Prohibition) Act, 2015**, you have pleaded Guilty to the said offence.

Since the parties have entered and perfected the Plea Bargain Agreement and have signed same and filed same before this Court, this Court shall read out the said Terms of Plea Bargain and enter same as Consent Judgment of the parties which has the same efficacy as a Judgment gotten after the conviction of a Defendant in full trial.

The Court having read out the Plea Bargain Terms hereby enter it in lieu of sentencing of the Defendant, Jacob Dagboyi today the 18<sup>th</sup> day of February, 2024.

**This is the Bench Judgment of this Court.**

**Delivered today the \_\_\_ day of \_\_\_\_\_ 2024 by me.**

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**K.N. OGBONNAYA**  
HON. JUDGE