

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS THURSDAY THE 7TH DAY OF NOVEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/709/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

AKANBI PRECIOUS SAMUEL (BURNET BRYAN)..... DEFENDANT

COURT: this matter is for arraignment.

Defendant present in court.

Appearance: Bamidele Akanmode for the prosecution.

Defendant Benowon Asinya for the defendant. Hold the brief of Omotola Takin'ogor for the defendant.

Prosecution: this matter is slated for arraignment and we are ready to proceed. The charge was filed on the 13/11/2023 we seek that the one count charge be read to the hearing of the defendant while he take his plea.

Court: the one count charge is read and explained to the defendant. The defendant is called upon to reply to the said one count charge.

Court defendant: do you understand the said one court charge/offence?

Defendant yes I understand the charge/offence.

Court: defendant are you guilty or not guilty?

Defendant I am guilty.

Prosecution: it is our prayers that the defendant be convicted based on his plea of guilty.

Defence counsel: that there is a plea bargain signed by the parties as I was informed by the substantive counsel.

Court: prosecution is there any plea bargain before the court.

Prosecution nothing before the court.

Defence counsel: in the event that there is no plea bargain agreement before the court we will be asking for a date to meet the investigating officer to ascertain if there is an agreement to that effect.

Court: do you have any objection.

Prosecution there is no plea bargain entered but still in the process as the defendant only applied for plea bargain.

Court: notwithstanding I shall proceed to convict the defendant based on his admission of guilty.

CONVICTION

I am satisfied that the Defendant before the court understood the content of the one count charge and admitted same knowing fully well the consequently of its admission, this court will accept the guilty plea of guilty entered by the defendant and accordingly convict the defendant for the offence punishable under section 324 of the penal code law and triable by this court.

Court: this matter is adjourned to 13-12-2023 for sentence.

SIGNED

JUDGE

7/12/2023

The convict/defendant be remanded at EFCC custody till 13-12-2023 by 12:00

Noon.

SIGNED

JUDGE

7/12/2023

RESUMED

13/12/2023

Apply to review the fact in the course of investigation we have recovered iPhone 13 Pro Max from the convict served as evidence.

Further apply that the said phone be forfeited to the FGN.

Further apply that the court sum of N1000 received from the convict as restitution be paid to proceed of crime account of the Federal government through the EFCC. The court should sentence the convict and also forfeit his phone Samsung Flaxy A3Y.

Allocutus:

That the court should temper Justice with mercy I have learnt my wrong and have repented from it , I have turned a new leaf still I am a student of Abuja University, an environmental Education Level 200. I have been in the detention for the past one week I was arrested at Gwagwalada.

Defence: on behalf of the defendant, the convict feels very remorseful of his involvement in the crime and seriously regretted every steps taken by him that resulted by the commitment of the offence like plead to the court to temper justice with mercy.

The defendant is a student whose parent struggle to send him to school with little effort.

SENTENCE

I have carefully gone through the charge sheet of one count charge paper against the defendant and haven pleaded guilty to the one count charge. I have carefully listened to the plea of allocutus made by the said convict and the defence to the convict I have no doubt that given the defendant/convict second chance will offer him an opportunity to be more productive than sentencing the defendant.

But nevertheless the act of the defendant left much to be desired, more also, than the defendant is still pursuing his studies in Abuja University.

Is a pity to seeing him indulge in this crime. I know for sure it is the peer group he associated himself with, he wants to be a good boy and a big boy in the school guideline, the law caught up with him with no time.

I will consider the plea and prayers made by the said defendant/convict hence I will sentence the defendant for the following:

1. The defendant is hereby sentenced to 6 months imprisonment or he is to pay a fine of N100,000.00.

2. The item recovered from the convict is hereby forfeited to the FGN through the EFCC and the iPhone 13 Pro Max and Samsung Galaxy A 34 and the sum of E400 to be sentence to the FGN through the office of the EFCC the said iPhone 13 promax and Samsung galaxy be sold and the proceedsrealised be paid into the proceeds account of the FGN through the EFCC and the 4400 should as well act under the provision of section 20(1)a, b & c, 2 & 3, section 21, 22 (2), 25 €, 33(1) (2) of the EFCC Act 2004.
3. The convict is to depose to affidavit to be of good behaviour.

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Hon. Justice A. Y. Shafa