

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 15TH DAY OF DECEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/140/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT
AND

ENECHUKWU CHISOM KELVIN.....DEFENDANT

Court: this matter is for arraignment

Defendant present in court

Offence section 321punishable under section 324 of the penal code

Appearance: M. B. Babatunde for the prosecution EFCC

Defence: M. C. Umonnakwe for the defendant

Prosecution: before the court is a one count charge dated and filed on the 12-12-2023, we apply that the charge be read to the defendant to enable him take his plea.

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

Court: defendant do you understand the one count charge.

Defendant: yes I understand

Court: defendant are you guilty or not guilty.

Defendant: I am guilty

Prosecution: in view of the plea of the defendant, we pray that the said defendant be convicted accordingly.

CONVICTION

I am satisfied that the defendant having understood the content of the charge read and explained to him admitted same, knowing fully well the consequence of his admission. This court will accept the guilty plea entered by the defendant and convict the defendant accordingly based on his admission to committing the offence punishable under section 324 of the penal code law.

Court: explained to the defendant/convict whether he will call evidence of his good character or plea for mercy otherwise known as allocutus.

ALLOCUTUS:

That during my detention I realised the gravity of my offence and I am deeply sorry and promise not to cheat and to turn a new leaf that the court should temper justice with mercy.

Defence: I crave the indulgence of the court to be lenient in sentencing the convict as he is a first time offender and has restituted fully all he benefited from the crime.

That the court should convict the defendant based on the plea bargain agreement.

Prosecution: we filed a plea bargain agreement, fully signed by the defendant and the counsel and the prosecution and the investigation officer dated the 15/12/2023 we adopt the said terms of agreement and urge the court to sentence the convict accordingly with the plea bargain agreement.

That in the course of the investigation we recovered I phone xR and the sum of \$700 Dollars, we apply that the said item be forfeited to the FGN the proceed be forfeited to the FGN and the fund to be returned to the victim

Court: I will adopt the terms of plea bargain agreement as the judgement of this court.

SENTENCE

A careful perusal of the charge before the court and the plea of guilty by the Defendant, I have to consider the plea bargain agreement in sentencing the convict.

In doing that, I am guided with the provisions of section 20(1) a,b, &c, 2&3, section 22(2), 25(c) and S. 33(1) (2) of the EFCC Act. Hence the convict is hereby sentenced as follows:

1. To one year imprisonment or an option of fine if #200,000.00(Five Hundred Thousand Naira)
2. The iPhone xRis hereby ordered to be forfeited to the FG and the forfeited phone is to be sold and the proceeds realized be paid to the consolidated Revenue of the FG through the EFCC
3. The sum of \$700 received from the convict shouldberestitutedand paid to the Federal Government of Nigeria through the EFCC account.

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Hon. Justice A. Y. Shafa