

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

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT ZUBA, ABUJA**

**ON WEDNESDAY THE 22<sup>ND</sup> DAY OF MAY, 2024**

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

**SUIT NO.: FCT/HC/CR/088/2023**

**BETWEEN:**

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

**AND**

**OKORIE JOSEPH OGBONNA        -----    DEFENDANT**

## **BENCH JUDGMENT**

The Defendant having pleaded guilty to the one count he is hereby convicted of the said offence.

The Convict – Okorie Joseph Ogbonna was arraigned before this Court on a one count charge yesterday the 21<sup>st</sup> of May, 2024. The crime is on allegation that he induced one Montiaqqueatia and obtained a paltry sum of \$200 by posing as Frank Precious from United States of America. He pretended to be in love with the said Montiaqqueatia. His action is an offence contrary to **Section 321 of the Penal Code** Laws of the Northern Nigeria which is applicable in the Federal Capital Territory. The said crime is punishable under **Section 324 of the same Act.**

The charge was read to him in the Open Court and in the language which he understands – English Language which he said he understands. He pleaded Guilty to the lone count charge. Based on that plea of Guilty he was immediately convicted of the crime. The matter was adjourned today for sentencing.

Today the Counsel on both sides have adopted in turn the Plea Bargain Agreement which the parties have signed, filed and served on Court.

As it is traditionally and statutorily required, the Court had asked the Defendant Counsel to do Allocutus before it can go on to consider same and pronounce the sentence in this case. The Defendant Counsel had in a lengthy statement urged Court to temper justice with mercy and consider that the Convict is a first offender, breadwinner, he is remorseful and had acquired new skill of repairing refrigerator and Air Conditioner and other vocation. That he has restrained fully the proceeds of the crime and that he is a first offender, a fact the Defendant Counsel repeatedly stated, among other things. He concluded by saying that Lady Justitia is blind and also a mother. But he forgot to state that when she raises her sword she cuts with precaution as the justice of each case demands no matter who is involved and is before her. An action which is based on her blind-foldedness. He forgot to state also that even where a Convict knell down in Court before sentencing and sorbs that lady justitia does not take note as she is not only blindfolded, she is, as I am merit to understand also deaf and dumb. All these are for information only.

Since the advent of the ACJA in 2015 the issue or principle of Plea Bargain has become part of our jurisprudence in that where in a criminal case the parties – the Nominal Complainant/Prosecution and the Defendant have a right to apply to Court for settlement of the Issues in dispute – crime outside the Court. Such action is only open to them from inception of the time before the Defendant will open its Defence. That is covered in the provision of **S. 270 – 278 of the ACJA 2015**. Those Sections covered the A-Z of Plea Bargain Agreement. With that once parties have agreed on such Terms as they want, they have the right to sign same, file and present same before the Court and adopt same urging the Court to consider the said terms as part in lieu of sentencing of the Convict.

Where that is the case the Defendant must have pleaded Guilty of the lesser crime and the Court will sentence based on the Terms which they have agreed on.

In this case the parties have done exactly same. The Defendant, now a Convict, had on the 21<sup>st</sup> of May, 2024 pleaded Guilty to the offence and was immediately convicted. Today his Counsel had done the Allocutus. The parties had equally adopted their Plea Bargain Agreement urging this Court to take and consider same in sentencing the Defendant.

The Court had gone through the said Agreement. The Court will read same out before all and sundry and after that pass the sentence on the Convict.

This Court has read out the said Terms of Plea Bargain Agreement. The Court hereby sentence the Convict – Okorie Joseph Ogbonna to pay a fine of **₦200, 000.00 (Two Hundred Thousand Naira)** in lieu of custodial sentence.

**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