

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
HOLDEN AT ABUJA**

THIS MONDAY, THE 9TH DAY OF DECEMBER, 2019

BEFORE: HON. JUSTICE ABUBAKAR IDRIS KUTIGI – JUDGE

CHARGE NO: FCT/HC/CR/31/14

BETWEEN:

FEDERAL REPUBLIC OF NIGERIAPROSECUTION

AND

AHMED ABDUDEFENDANT

JUDGMENT

The Defendant was arraigned on a 2 counts charge dated 3rd November, 2014 as follows:

COUNT 1

That you Ahmed Abdu (M) sometime in the month of July, 2014 or thereabout at Abuja, FCT while being a public officer to wit: Prison Officer of the Nigeria Prisons Service did ask for the sum of Two Hundred and Fifty Thousand Naira (N250, 000) from one Adamu Abubakar on account of something which you promised to do for him afterwards i.e to secure him employment with the Nigerian Security and Civil Defence Corps and thereby committed an offence contrary to and punishable under Section 10 (a) (ii) of the Corrupt Practices and Other Related Offences Act, 2000.

COUNT 2

That you Ahmed Abdu (M) sometime in the month of July, 2014 or thereabout at Abuja, FCT while being a public officer to wit: Prison Officer of the Nigeria Prisons Service did receive the sum of Two Hundred and Fifty

Thousand Naira (N250, 000) from one Adamu Abubakar which sum was demanded by you on account of something which you promised to do for him afterwards i.e to secure him employment with the Nigerian Security and Civil Defence Corps and thereby committed an offence contrary to and punishable under Section 10 (a) (ii) of the Corrupt Practices and Other Related Offences Act, 2000.

He pleaded not guilty and hearing commenced.

The prosecution called four witnesses in proof of the charge. I shall here summarise the essence of the case as made out by the witnesses.

PW1 is Adeyanju Gabriel. He is an investigator with the Independent Corrupt Practice and Other Related Offences Commission (I.C.P.C). He said that he knew the defendant when a petition was assigned to him to investigate. The petition alleged that the defendant in Azare, Bauchi State promised to secure jobs for one Babangida Jibril and 5 (five) others at Immigration, Prisons and Civil Defence in the sum of N250, 000 each. That he informed Babangida that the money was to facilitate the application and to enable him see his boss. Further that the defendant gave an undertaking to all of them that if he does not get the jobs, he will refund their money. That the total sum he received from the six (6) of them is the sum of N1.5 Million at N250, 000 each.

That initially the defendant was answering their calls to intimate them of progress on the job issue but that he later stopped answering their calls. The petition further stated that the said Babangida was finally able to get defendant on phone and asked him about the job issue only for the defendant to demand for N50, 000 each from them again. At that point they felt the defendant wanted to dupe them so they reported the matter to the ICPC.

PW1 stated that after studying the petition, they invited Babangida to their office and they told him to call defendant and he was put on speaker where they heard him demand for the additional N50, 000. They asked Babangida to again inquire from defendant whether he could get a job for another person and he answered in the affirmative and demanded again for N250, 000.

PW1 said he informed the Chairman of ICPC who gave them N250, 000 in N1000 denomination. They photocopied the money and recorded the serial numbers in

their booklet and gave the physical cash to one Abubakar Adamu who is a friend to Babangida. They then told Babangida to call the defendant who agreed to meet them at a junction in Kuje Town where he works with the Prison Service. PW1 led his team together with Abubakar Adamu and Babangida to Kuje. When they got to the junction, they left Abubakar and Babangida and moved about 50 meters away from them. PW1 said he then saw defendant meet them, collected the N250, 000, counted same and put it in his pocket and also gave them an undertaking that if he does not get the job, he will refund the money.

PW1 testified further that as defendant put the money in his pocket, they immediately came and arrested him and he was taken to the ICPC office where he made a statement. The N250, 000 he collected from Adamu Abubakar was also collected from him; he was showed the photocopies of the money and the serial numbers and he confirmed that they are the same with the physical cash found with him and he was released on bail. That the defendant promised to refund the moneys he collected but that he has so far only paid back N70, 000 through their office. The following documents were tendered through PW1 thus:

- 1. The Certified True Copy (C.T.C) of the Petition dated 18th July, 2014 was admitted as Exhibit P1.**
- 2. The Certified True Copy of letters of undertaking given by defendant dated 21st August, 2013 (6 copies) and that of 21st July, 2014 were admitted as Exhibits P2 (1-7).**
- 3. Photocopies of money in the sum of N250, 000 in N1, 000 denomination together with the copies of the serial numbers of the amount were admitted in evidence in Exhibits P3 (1-4) and P4.**
- 4. The confessional statement of defendant after the conduct of a trial within trial was admitted as Exhibit P5.**

Under cross-examination, he said that the defendant works with the prisons at Kuje. He agreed that the statements or undertaking in Exhibits P2 (1-7) was not on the letter head of the prisons service. That in the said undertakings, he did not say he will use his office to secure jobs but that he mentioned his office in the

undertakings. That it is true that one Alhaji Abubakar introduced defendant to the petitioners that he could get jobs for them. That the defendant never denied knowing petitioners and that he indeed promised to refund the moneys he collected from them.

PW2 is Babangida Jibril. He knows the defendant through one Abdulhamid who took him and his friends to the defendant. They saw the defendant with respect to getting jobs at Immigration, Prisons and Civil Defence Services.

That the defendant promised to get them jobs at any of these services if they pay N250, 000 each. That six of them by names Abubakar Usman Jingi, Usman Mohammed, Umar Usman, Aliyu Mohammed, Abubakar Mohammed and himself each give the defendant N250, 000 and he wrote an agreement which was signed to the effect that if he does not get the jobs for them, he will refund their money.

PW2 said they did not get the jobs and he did not refund their moneys so they reported the matter to the ICPC. He wrote a petition and he was invited by the ICPC to state what happened between them and defendant. He wants the court to get back the moneys they gave defendant.

Cross-examined, he said he has never known defendant until he was introduced to him by Abdulhamid. That apart from the transaction of getting them jobs, he has never had any other business with defendant.

Adamu Abubakar testified as PW3. That he knows Babangida Jibril (PW2) who is his friend and he got to know defendant through Babangida.

That he knows that the defendant collected money from Babangida to get him a job but till today, there is no job and the money has not been refunded. Babangida then reported the matter to ICPC where he was advised to get somebody who can be used to get at defendant. Babangida, as his friend contacted him and he went with him to ICPC office where he was told that he will be used to catch the defendant and he agreed.

PW3 said he was given the number of defendant and he called him. He told him he was given his number and that he too wants a job with civil defence. The defendant asked for N250, 000. That ICPC gave him the money in N1000 notes and he then called defendant who told him to meet him at Kuje. He then with officials of ICPC went to Kuje where he met defendant at a shop. That he gave the

defendant the sum of N250, 000, he counted it and put it in his pocket and gave him an agreement that if he does not get the job, he will refund the money he collected. That shortly thereafter ICPC officials came into the shop and arrested him and collected the money from him and took him to the ICPC office.

Counsel to the defendant elected not to cross-examine PW3.

Sunday Ayuba testified as PW4; he works with ICPC as an investigator. He knows the defendant. That a petition was written against him and it was assigned to his team. That in this case, he was the Exhibits keeper. He further stated that from their investigation strategy, they agreed that a sting operation be conducted against defendant and they applied for funds from the chairman of ICPC for N250, 000. Approval was given and the money released to the team. That the sum of N250, 000 was in N1000 denomination. It was photographed and the serial numbers recorded and the money was handed to the team leader who gave it to Abubakar Adamu (PW3).

PW4 stated that after Abubakar Adamu put the call to defendant to the hearing of the team, they moved to the target venue at Kuje. That the team members stood at a vantage point and watched as the defendant collected the money from Abubakar and the team then advanced and arrested him. They identified themselves and then took him to the ICPC office. They told him at the office that the money he collected was photocopied and the serial numbers recorded. They brought out the photocopies and defendant compared it with the physical cash in his possession and that he certified that they were the same.

That after the certification, he kept the money collected from defendant in a black water proof pack and then inserted same in a brown official envelope with ICPC inscription. The sum of N250, 000 in N1000 denomination inside a brown official envelope with ICPC inscription was admitted as **Exhibit P6**.

Under cross-examination, PW4 said that the undertaking defendant wrote for PW3 was not on the letter head of prison services and that he did not use his official position in the letter.

With the evidence of PW4, the prosecution closed their case.

In defence, the defendant appeared in person as the only witness. He stated that he works with the Nigeria Prisons Services, Kuje. That he knows Adamu Abubakar through a friend who gave Adamu his phone number.

That when they met, they discussed about the issue of employment with prison. The defendant said he told him that he does not give jobs but can assist him if he applies. The defendant said he told him he will assist him but that he should give him something to “ginger” him and agreed that he will be given N250, 000. They then put the agreement in writing. The defendant said he is not in charge of giving employment in prison.

Cross-examined, DW1 said he knows Adamu Abubakar. That they wrote an agreement when Abubakar gave him money. That Exhibit P2 (1-7) are the agreements he made with Babangida and his friends and Adamu Abubakar.

The defendant stated that he was arrested by ICPC officials on 21st July, 2014 after he signed the agreement and taken to their office where he made a statement. He stated that was shown monies he collected from Adamu Abubakar and he signed Exhibits P4 and P6.

He stated that he knows Babangida Jibril, Abubakar Mohammed, Abubakar Usman Jingir, Usman Mohammed, Umar Usman and Aliyu Mohammed. That he signed Exhibit P2 (1-6) as acknowledgment of the N250, 000 he received from them.

With the evidence of defendant, the defence counsel then stated that they have two witnesses to call but despite the adjournments granted at the instance of the defendant to produce these witnesses, he never did. Counsel finally closed the case of defendant on 27th June, 2019 and the matter was adjourned for parties to file their final addresses. Parties were each granted 20 days to file the address with 7 days grace for filing of a reply.

Again, despite the ample time given, learned counsel for the defendant did not file the defendants address. The defendant then himself said he will address the court and he was granted leave to do so. His oral address on 8th October, 2019 was that he was charged with the offence of receiving gratification. That he is of the opinion that the complainant who gave him the money or the gratification ought to

have been charged with him and that they were not. He urged the court to discharge him on that basis.

On the part of the prosecution, their final address is dated 26th July, 2019 in which one issue was raised as arising for determination as follows:

Whether the prosecution has proved its case beyond reasonable doubt to secure a conviction.

Now I have carefully considered the 2 counts charge in this matter, the evidence adduced by parties and the written address of the prosecution and the oral address of the defendant to which I may refer to in the course of this Judgment where necessary. It seems to me that the issue raised by the prosecution has captured the crux of this dispute and it is therefore on the basis of the said issue that I shall shortly proceed to determine the charge. It is a matter or issue which requires the most circumspect of consideration regard been had to the evidence and materials on record.

It is not a matter for dispute that the charge defendant is facing involves the alleged commission of crimes. Under our criminal justice system, it is common ground that the burden or onus is clearly on the prosecution to prove the guilt of the defendant beyond reasonable doubt. See **Section 135(1) of the Evidence Act**. The position of the law, as provided for by **Section 135(2) and (3) of the Evidence Act**, needs to be underscored, that the burden of proving that any person has been guilty of a crime or wrongful act is, subject to **Section 139 of the Act**, on the person who asserts it; and that if the prosecution proves the commission of a crime beyond reasonable doubt, the burden of proving reasonable doubt is shifted on to the defendant.

In shedding more light on the statutory responsibility and expectation of the prosecution to prove its case beyond reasonable doubt, the Supreme Court held in **Mufutau Bakare V. The state (1987)3 SC 1 at 32**, per Oputa, JSC (now late) as follows:

“Proof beyond reasonable doubt stems out of a compelling presumption of innocence inherent in our adversary system of criminal justice. To displace this presumption, the evidence of the prosecution must prove beyond reasonable doubt, not beyond the shadow of any doubt that the person

accused is guilty of the offence charged. Absolute certainty is impossible in any human adventure including the ministrations of criminal justice.”

See also **Lortim V. State (1997)2 N.W.L.R (pt.490)711 at 732; Okere V. The State (2001)2 N.W.L.R (pt.697)397 at 415 to 416; Emenegor V. State (2009)31 W.R.N 73; Nwaturuocha V. The State (2011)6 N.W.L.R (pt.1242)170.**

It is also well settled that in a criminal trial, the prosecution could discharge the burden placed on it by the provisions of **Section 135 (1), (2) and (3) of the Evidence Act**, to prove the ingredients of an offence, and invariably the guilt of an defendant beyond reasonable doubt, in any of the following well established and recognized manners, namely:

1. By the confessional statement of the accused which passes the requirement of the law; or
2. By direct evidence of eye witnesses who saw or witnessed the commission of the crime or offence; or
3. By circumstantial evidence which links the defendant and no other person to or with the commission of the crime or offence charged.

See **Lori V. State (1980)8 8-11 SC 18; Emeka V. State (2011)14 N.W.L.R (pt.734)668; Igabele V. State (2006)6 N.W.L.R (pt.975)100.**

Being therefore mindful of the well settled principles as espoused in the authorities cited in the foregoing, I shall proceed to examine the instant charge in the light of the evidence adduced by both the prosecution and the defendant, in order to determine whether or not the prosecution has established the charges against the defendant beyond reasonable doubt.

Now at the beginning of this Judgment I had reproduced the charge against defendant. The 2 counts charge was predicated on the alleged violation of **Section 10 (a) (ii) of the Corrupt Practices and Other Related Offences Act, 2000**. The defendant was said to have asked for and received the sum of N250, 000 from one Adamu Abubakar to secure employment for him with the Nigerian Security and Civil Defence Corps contrary to and punishable under the above mentioned Act.

Now the relevant provision of **Section 10 (a), (i) and (ii) of the Act** provides as follows:

“10. Any person who –

a) asks for, receives or obtains property or benefits of any kind for himself or any other person; or agrees or attempts to received or obtain any property or benefit of any kind for himself or any other person;

on account of –

(i) anything already done or omitted to be done, or any favour or disfavour already shown to any person, by a public officer in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of a Government department, public body or other organisation or institution in which the public officer is serving as such; or

(ii) anything to be afterwards done or omitted or any favour, disfavour to be afterwards shown to any person, by a public officer in the discharge of his official duties or in relation to any such matter as aforesaid, is guilty of an offence of official corruption and shall on conviction be liable to imprisonment for seven (7) years.”

Now under the above provision of Section 10 (a) (ii) of the Corrupt Practices and Related Offences Act 2000, the ingredients the prosecution must establish to secure a conviction are:

1. That the Accused person asked for, received **or** obtained any benefit of any kind for himself **or** for any other person.
2. That the asking or receiving was for anything already done **or** omitted to be done or to be afterwards done or omitted to be done or favour **or** disfavor to be afterwards shown to any person by a public officer in the discharge of his official duties or in relation to any matter connected with the functions, affairs or business of a Government Department, public body or other organization in which the public officer is serving as such.

I had earlier reproduced the evidence of the prosecution witnesses and that of the defendant.

On the evidence of the prosecution witnesses which was not in any substance challenged or impugned, it is not in doubt that the defendant is a public officer within the purview of Section 2 of the ICPC Act. The defendant on the evidence works with the prison services at Kuje and held out to PW2, Babangida and six (6) of his friends that on payment of N250, 000 each, he was going to help them get jobs with institutions of government like **Immigration, Prisons** where he works as a public officer and the **Civil Defence Corps**. Exhibit P2 (1-6) the agreements he executed with them provides direct evidence that he collected these sums to help them to secure jobs. Indeed on the evidence the defendant never denied he collected these sums to get jobs for these people.

Now when he could not secure the jobs but demanded for more payments, PW2 considered that he was trying to dupe them and wrote a petition to ICPC vide Exhibit P1 complaining about the corrupt activities of defendant who they claimed was going about collecting money from unsuspecting Nigerians under the pretext that he was going to get jobs for them.

On receipt of this petition, ICPC constituted a team led by PW1 to investigate the matter. In the course of investigations on the evidence, PW1 stated that one Adamu Abubakar (PW3) a friend of Babangida (PW2) who knew what happened to PW2 participated in a sting operation, in which PW3 spoke with the defendant that he also wanted a job and he asked him to bring **N250, 000**.

PW1 and PW4, all investigating officers of ICPC said that the team applied and were given the said sum for the operation. These sums were photocopied and the serial numbers also taken and the physical cash given to PW3, Adamu Abubakar.

On the evidence, it is again not in dispute that the said Adamu Abubakar met defendant and he defendant asked for and was given N250, 000 to get a job for PW3 in Civil Defence or Prison Services. What is interesting here is that this material witness on whose evidence the extant 2 Counts Charge is critically predicated was not cross-examined at all. Indeed as stated earlier, the defendant elected not to cross-examine PW3. The implication here like almost all aspects of the case made out by prosecution is that these ample pieces of evidence stand

uncontroverted. The evidence of PW3 was therefore neither challenged nor debunked under cross-examination and so remained unshaken.

I think the law is now settled that evidence that is relevant to a matter in controversy, which has neither been attacked nor debunked, is credible and good and ought to be relied upon by a trial court in the determination of the case before it. See **Audu Yesufu V The State (2011) 7 SCNJ 136 at 151**. Again by Exhibit P2 (7), the defendant here himself unequivocally accepted that he received the said N250, 000 to get a job for Adamu Abubakar (PW3). Let me here allow the Exhibit speak for itself thus:

“AGREEMENT LETTER 21/7/2014

I Ahmed Abdu collected the sum of Two Hundred and Fifty Thousand Naira (N250, 000) from Adamu Abubakar for the purpose of getting him Job at Civil Defence or Prison, in case the job is not available, the money will be refunded back to him.”

Both Adamu Abubakar and defendant signed the agreement together with a witness.

The above agreement and the entire evidence of PW3 earlier highlighted is clear and inculpatory. The testimony of PW3 unequivocally shows that the defendant asked for and received the sum of N250, 000 for his sole benefit to secure a job for him either at the Prisons where he works as a public officer or at the Civil Defence Service.

On the unchallenged evidence, when he was arrested after he collected the money, the said sum of N250, 000 was found on him and collected. When he was shown the photocopies of the moneys in N1000 denomination with the serial numbers vide Exhibit P3 (1-4) and P4, he agreed that they were the same with the physical cash found in his possession which was tendered as Exhibit P6.

All these pieces of evidence were, as stated earlier, not denied or impugned in any manner by the defendant. What is clear and unimpeachable at the risk of sounding prolix, is that the defendant asked for and received or obtained benefit in the sum of N250, 000 for himself under the guise of getting a job for PW3, Adamu Abubakar using his position as a public officer with Prisons which is the subject of the extant charge. Also relevant here is the evidence of PW2, Babangida Jibril

who also suffered the same fate as PW3 in addition to his other 6 friends. Exhibits P2 (1-6) the undertaking written by defendant speaks to a pattern of his using his office as a public officer to lure unsuspecting unemployed youths to give him moneys so that he will get them jobs. On the evidence he neither got the jobs for them or paid back the sums he collected. The contention by defendant in evidence that he collected the said sum from Adamu Abubakar to “ginger” him to facilitate the getting of the job is completely unreasonable and lacks credibility. If the defendant does not work in immigration or civil defence, how then will he be in a position to facilitate the getting of the jobs for anyone.

Even in the prison where he works as a public officer, he has not told the court how he would facilitate the employment of anybody into the prison services. Indeed even on his evidence, he conceded that in the prisons he is not in charge of giving employment. He works in the “dog unit” which renders canine services. It is clear that the callous actions of the defendant is simply targeted at using his office as a public officer to hoodwink unemployed Nigerians under the pretext of getting them jobs to unfairly enrich himself. I therefore hold that the defendant asked for and received the sum of N250, 000 from PW3 Adamu Abubakar for himself as a public officer and for his own benefit.

It is also important to add that the defendant by his confessional statement admitted in evidence as Exhibit P5 also unequivocally confessed to asking for and receiving the sum of money subject of the extant charge. This confession speaks directly to the role played by him and further strengthens the case already formidably made out by the prosecution on the evidence. The point to note is that even without this confessional statement, the prosecution has creditably established on the evidence the key material elements of the offences the defendant was charged with. The evidence also corroborates in key material particulars the contents of the confessional statement, Exhibit P5, thereby adding consistency and credibility to its contents.

The point to underscore is that the law is settled that a court can even convict on the confessional statement alone of an accused person without any corroboration. A free and voluntary confession such as Exhibit P5 which is direct and positive on its own is enough to sustain a conviction generally without any need of other

corroborative evidence so long as the court is satisfied with its truth. See **Odeh V FRN (2008) 13 NWLR (pt.1103) 1.**

Although it is always desirable in law to have some evidence outside the confession in further proof of the offence, the absence of such additional evidence would not necessarily prevent a court from convicting on the confessional statement alone provided the statement satisfies the test of being positive, direct and unequivocal as in this case. Thus an accused person may be convicted on his confessional statement alone. He may also be convicted where the confession is consistent with other ascertained facts which has been proved as demonstrated in this case. See **Ikemson V State (1989) 3 NWLR (pt.110) 455; Ojegele V State (1988) 1 NWLR (pt.71) 414; Adebayo V A-G, Ogun State (2008) 7 NWLR (pt.1085) 201.**

The unchallenged and positive evidence of asking for and receipt of the sum of N250, 000 from Adamu Abubakar established the fact that the defendant as a public officer asked for and received the money in relation to the issue of getting employment for Adamu Abubakar in a Government institution including the institution, the prison in which he is serving as a public officer. The defendant may not have used the letter head of the prisons but it is clear in all the commitments he made vide Exhibit P2 (1-7) that he described or identified himself as “Ahmed Abdu of prison dog unit” and in the said undertakings he also specifically stated that the sums he collected from Adamu Abubakar and the others was for the purpose of getting a job for them in prison and Civil Defence among other government institutions.

On the evidence, I have no difficulty in holding that the defendant held himself out to these unsuspecting Nigerians as a prison officer who was in a position to get them jobs in prison, immigration, civil defence, all government institutions for his selfish consideration. On the evidence, they never got the jobs or their money.

I therefore hold that the defendant as a public officer asked for and received the sum of N250, 000 on account of getting a job for Adamu Abubakar in relation to a matter connected with the functions, affairs, or business of a government department (the prison) in which he is serving.

The prosecution has therefore proved the ingredients of the offence under both Counts 1 and 2 against the defendant beyond reasonable doubt and I find him guilty and convict him as charged under **Section 10 (a) (ii) of the Corrupt Practices and other Related Offences Act 2000** and punishable under the same section. See **Marius Ameh (ASP) V FRN (2009) LPELR – 8153 (CA)**.

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Hon. Justice A.I. Kutigi

SENTENCE

I have carefully considered the plea in mitigation by the defendant. Now in considering the plea, I am obviously guided by the clear provisions of the law which provides the punishment for these offences. The punishment under **Section 10 (a) (ii) of the ICPC Act** is that upon conviction, a person shall be liable to imprisonment for seven (7) years. Whatever discretion that may be exercised by court must be such obviously allowed by law. It is trite law that the sentence of a court must be in accordance with that prescribed by the statute creating the offence. The court cannot therefore impose a higher punishment than that prescribed for the offence neither can a court impose a sentence which the statute creating the offence has not provided for. See **Ekpo V. State (1982)1 NCR 34**.

Now my attitude when it comes to sentencing is basically that it must be a rational exercise with certain specific objectives. Some of these objectives have now been expressly provided for under the new Administration of Criminal Justice Act 2015 vide **Sections 311(2) and 401(2) of the Act**. It could be for retribution, deterrence, reformation etc in the hope that the type of sanction chosen will put the particular objective chosen however roughly into effect. The sentencing objective to be applied and therefore the type of sentence to give may vary depending on the needs of each particular case.

In discharging this no doubt difficult exercise, the court has to decide first which of the above principles or objective apply better to the facts of a case and then the quantum of punishment that will accord with it.

In this case, if the objective is deterrence and reformation for the young convict and I presume they are, then the maximum punishment for the two counts he was found guilty on as provided for in the I.C.P.C Act appear to me particularly excessive in the light of the facts of this case. The convict is also a first offender, bread winner with a fairly large family and many dependants and there is nothing to show that he has had problems with the law in the past.

In the same vein, it is a notorious fact that crimes of this nature now appear to be prevalent in our clime and the courts as preventive tools in the criminal justice system must not be seen to encourage criminal acts of this nature by giving light sentences. I am equally mindful of the fact or the general principle that the essence and aim of punishment is not necessarily to ruin or destroy the offender but to reform and deter others who may have like minds.

I have similarly noted the notorious fact that the prison system despite improved efficiency is still faced with enormous challenges not only in terms of structural capacity but also its reformatory capabilities. While all the above have clearly weighed on my mind, the basic underlying and indeed the most important variable for me is that a price or consequence must be paid for inappropriate behaviour.

Having weighed all these factors, I incline to the view that a light sentence is most desirable in the circumstances and would achieve the noble goals of deterrence and possibly reforming the Accused Person towards a pristine part of moral rectitude.

Accordingly, on COUNT 1, I hereby sentence the Convict to a term of two (2) years imprisonment. See **Marius Ameh (ASP) V FRN (supra)**.

Similarly on COUNT 2, I hereby also sentence the Convict to a term of two (2) years imprisonment. See **Marius Ameh (ASP) V FRN (supra)**.

In addition pursuant to the provisions of **Sections 314 and 319 of the Administration of Criminal Justice Act (ACJA) 2015**, the court is permitted to order for payment of compensation to the victim where the interest of justice permits in addition to the punishment already meted out on the convict. In the circumstances and pursuant to the above provisions, the convict is ordered to also

pay the sum of **N250, 000 (Two Hundred and Fifty Thousand Naira)** only to Adamu Abubakar which is sufficient restitution.

The sentences are to run **concurrently**.

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Hon. Justice A.I. Kutigi

Appearances:

- 1. Ngozi Onwuka J. with B.M. Sani Esq. for the Complainant.**
- 2. Dominic Njikweu, Esq. for the Defendant.**