

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO
CLERK: CHARITY
COURT NO. 16
CHARGE NO: CR/50/19
DATE:11 – 03– 2020**

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA

COMPLAINANT

AND

MALIK USMAN (ALIAS JUSTIN COOPER)

DEFENDANT

JUDGMENT

(DELIVERED BY HON. JUSTICE S. B. BELGORE)

The defendant having fully understood the ingredients of the offence as fully explained to him by the court and having preferred no defence and with full understanding of the charge against him pleaded guilty to the sole count charge of cheating contrary to S.320 of the penal code and punishable under S.322 of the same penal code is hereby summarily convicted as charged. He is convicted under S.270(10)(a) of Administration of Criminal Justice Act.

Defendant's Counsel urged the court to look into the circumstances of this case. The convict pleaded guilty and has even entered into a plea bargain with the prosecution. He is a first time offender, he is a young man of 25 years old, not married and has shown enough remorse. He has an aged mother and in fact he has refunded the money he benefitted from the crime. I plead for a lesser sentence on him.

Prosecution agreed the convict has entered plea bargain that was entered on 8 – 11 – 19. I urge the court to consider the plea bargain of the convict in sentencing him.

SENTENCING: a few minutes ago, I convicted this young man by the name, Malik Usman of Cheating contrary to S.320 of the Penal Code and punishable under S.322 of the same code. The conviction was actually pursuant to the provision of S.270 (9)(a) of Administration of Criminal Justice Act 2015. This is having regard of the plea bargain agreement entered into by the convict and the prosecution.

The plea bargain agreement was attached to the charge and signed by the prosecution, the Defendant's counsel and the Defendant himself.

I perused the plea bargain agreement and I am satisfied that it conforms with the provision of S. 270 of Administration of Criminal Justice Act.

The agreement (plea bargain) in substance provides as follows:

1. That the complainant shall file a one count charge of Cheating by impersonation Which they did.
2. That the Defendant has agreed to enter plea of guilty to the count Which he did.
3. That the Defendant had undertaken to pay the sum of N500,000.00. Which he has paid.
4. That the Defendant surrendered and forfeited all the under listed phones being the proceeds of the crime.
 - a. 1 Infinix blue colour, black screen mobile phone.
 - b. An iPhone, ash colour.

5. Upon conviction, the Defendant shall be sentenced to a term of not less than 3 months' imprisonment or an option of fine not less than N200,000.00 only.

I have considered the content of the plea bargain agreement *in extensio*. I am particularly impressed by the clause therein that right from inception of investigation, the convict has cooperated with the operatives of the Economic and Financial Crimes Commission who were the nominal complainants and the fact of his plea of guilty which actually saved the precious time of this court in arriving at a summary conviction.

I have also considered the plea of the counsel to the convict in mitigation of sentence. The learned counsel said he is a first time offender, a young and unmarried fellow of 25 years of age, with aged parents and some dependants.

It is therefore for all the fore gone that I am inclined to impose the minimum sentence as agreed by the parties in the plea bargain agreement as filed on 8 -11 -2019. And I so do.

In clarity, the convict is hereby sentenced as follows:

1. He (the convict) is to pay the sum of N500,000.00 to the victim of this crime, if that has not been paid.
2. The convict is to forfeit the proceed of the crime which are:
 - a. 1 infinix blue black screen mobile phone and an iPhone 5 ash colour.
3. The convict is in addition to pay a sum of N200,000.00 (Two hundred thousand naira) only as fine to the Federal Republic of Nigeria in default of which he would serve a term of 3 months' confinement at a correctional centre.

I pass all the above sentence pursuant to the provision of S.270 of the Administration of Criminal Justice Act 2015 and S.322 of the Penal Code.

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Suleiman Belgore
(Judge) 11-3-2020.

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Suleiman Belgore
(Judge) 11-3-2020.