

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA – ABUJA**

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| BEFORE HIS LORDSHIP: | JUSTICE SALISU GARBA |
| COURT CLERKS: | JIMOH I. SALAWU & OTHERS |
| COURT NUMBER: | HIGH COURT TWO (2) |
| CASE NUMBER: | FCT/HC/CR/46/2007 |
| DATE: | 22ND MARCH, 2018 |

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - **COMPLAINANT**

AND

SENKOYA OLUWOLE - **ACCUSED PERSON**

Defendant in court.

I.S. Azegbeobor (Mrs) for the prosecution.

Adetola Olulenu for the Defendant.

Prosecution's Counsel – The matter is slated for plea bargain. We have a motion before the court and ready to move same.

Defendant's Counsel – We have no objection.

Prosecution/Applicant's Counsel – The motion is on notice brought pursuant to Section 216(1) of ACJA. It is dated 14/3/18 and filed on the same date.

We are seeking for the leave of this court to amend Charge No. CR/46/07 before this court and to deem same as properly filed and served.

The application is supported by 9-paragraph affidavit and the proposed amended charge.

We equally filed a written address and we urge the court to grant the motion as prayed.

Defendant/Respondent's Counsel – We have no objection to the application.

Court – Leave is hereby granted to the Complainant/Applicant to amend the Charge No. CR/46/07 as per the Proposed Amended Charge Number to the application.

The amended charge is hereby deemed as properly filed and served.

(Sgd)
Justice Salisu Garba
(Presiding Judge)
22/3/2018

Prosecution's Counsel – We apply that the amended charge be read to the Defendant for the purpose of taking his plea.

Court to Defendant – Whether you are aware of the plea bargain.

Defendant – I have gone through the plea bargain agreement and I consented to it.

Court – The Amended Charge read and explained to the Defendant and he seem to understand same before his plea.

Count 1

Defendant – In understood the charge. I am guilty.

Count 2

Defendant – I understood the charge. I am guilty.

Count 3

Defendant – I understood the charge. I am guilty.

Prosecution's Counsel – The defendant has pleaded guilty to the amended charge. We apply to the court to convict the Defendant accordingly.

Court – The Defendant is hereby convicted of the 3 count charge as charged.

Defendant's Counsel – We pray the court to temper justice with mercy as at the time of the arrest of the Defendant he was in the detention of the Nigeria Police Force for one month and he spent another 2 months in the custody of the complainant (EFCC) before he was charged to court.

Secondly, the nominal complainant in this suit is no longer in existence. However, the Defendant has agreed to forfeit the total sum of N3.4 million recovered from him in the cause of investigation out of which the sum of N2.3 Million was tendered in this court.

Thirdly, the Defendant has no criminal record and didn't commit any offence throughout the trial of this suit nor did he jump bail nor absent himself from court except on health ground.

The Defendant has a wife and 2 children and aged parent whom he is taking care of.

Presently, the Defendant has no job.

The offence on which the Defendant was convicted carries an option or fine.

Based on what I stated above, I urge the court to exercise its discretion in favour of the Defendant by giving him an option of fine in addition to the total amount of money recovered. The Defendant is also remorseful.

Prosecution Counsel – There is no record of previous conviction. By the sentencing guidelines made by the Hon. Chief Judge of this court. There is special procedure for sentencing a convict.

Court – Case adjourned to 27/3/2018 for sentence.

The Defendant is to continue with his bail on the terms and conditions he was granted bail on the condition that the surety is to write undertaking to produce the convict on the next adjournment date for sentencing.

(Sgd)
Justice Salisu Garba
(Presiding Judge)
22/3/2018

27TH MARCH, 2018

I.S. Ezegbeobor (Mrs) for the prosecution.

Adetola Olulenu for the defendant.

Prosecution's Counsel – The matter is slated today for sentencing.

SENTENCING

Court – Based on the Plea Bargain Agreement entered into between the Complainant and the Defendant, the Defendant pleaded guilty to the 3 count charge filed by the Complainant.

The Defendant was accordingly convicted by this court on 22/3/18 and adjourned the matter till today for sentence.

In sentencing the convict I have taken into consideration the fact that the convict is remorseful, a young man with a family and aged parents and a 1st offender.

Worthy of note is also the fact that the proceeds of the crime i.e. the sum of N2,300,000.00 (Two Million, Three Hundred Naira) have been recovered.

In line with sentencing guidelines of the FCT courts Practice Direction 2016 the convict is hereby sentenced to one year imprisonment.

In addition to that, the proceeds of the crime i.e. the sum of N2.3 Million is hereby forfeited to the Federal Government of Nigeria.

(Sgd)
Justice Salisu Garba
(Presiding Judge)
27/3/2018

Defendant's Counsel – The convict had been in the custody of the police and EFCC before his arraignment before this court.

Court – I do not think I have the power to alter my decision but if the Defendant's counsel has any authority to back his application he should come formally.

(Sgd)
Justice Salisu Garba
(Presiding Judge)
27/3/2018