

**IN THE FEDERAL HIGH COURT OF NIGERIA**  
**IN THE KADUNA JUDICIAL DIVISION**  
**HOLDEN AT KADUNA**  
**ON THURSDAY THE 27<sup>TH</sup> DAY OF OCTOBER, 2016**  
**BEFORE THE HON. JUSTICE EVELYN N. ANYADIKE.**  
**JUDGE**  
**SUIT NO: FHC/KD/40C/2013**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT**

**AND**

**AMINU YA'U - ACCUSED**

Accused person present

M.S. Abubakar Esq. with Salihu Sani Esq. for the Prosecution.

D.G. Laah Esq. for the Accused person.

**JUDGMENT.**

The amended two count charge against the accused person reads as follows;

**COUNT 1.**

That you Aminu Ya'u (trading under the name and style of Yuzafa Global Link Ventures) while being a public servant between 12<sup>th</sup> and 27<sup>th</sup> October 2011 within the jurisdiction of the Federal High Court converted the sum of **₦1.028,296.00** (One Million Twenty Eight Thousand, Two Hundred and Ninety Six Naira Only) derived

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Federal High Court, Kaduna  
*J. Mallek* SB  
20/10/2016

directly from participation in corruption by depositing the said amount into and subsequently withdrawing (in piecemeal) from the Eco Bank Account No. **2911701003387** (Yuzafa Global Link) with the aim of concealing the illicit origin of the resources and thereby committed an offence punishable under section 15(1)(a)(ii) of the Money Laundering (Prohibition) Act, 2011.

**COUNT 2.**

That you Aminu Ya'u (trading under the name and style of Yuzafa Global Link Venture) while being a public servant between 12<sup>th</sup> and 27<sup>th</sup> October, 2011 within the jurisdiction of the Federal High Court converted the sum of **₦347,425.00** (Three Hundred and Forty Seven Thousand, Four Hundred and Twenty Five Naira Only) derived directly from participating in corruption by depositing the said amount into and subsequently withdrawing (in piecemeal) from the Eco Bank Account No. **2911701003387** (Yuzafa Global Link) with the aim of concealing the illicit origin of the resources and thereby committed an offence punishable under section 15(1)(a)(ii) of the Money Laundering (Prohibition) Act, 2011.

The Accused person pleaded not guilty to both Counts.

The prosecution called two (2) witnesses and briefly their testimony is as follows:

The Accused person while being a cashier with Giwa Local Government Council (herein referred to as Giwa Local Government Council) received salaries above his grade level and some times was paid double salaries. He owned some choice properties in Zaria and three companies - Dalladalla borehole drilling company, Yuzafa Table Water and Yuzafa Global Link Ventures. He owned several businesses and maintained ten (10) different bank accounts both in his name and his company names. He was awarded three (3) contracts by the Giwa Local Government Council where he also worked as Cashier in the name of his companies and was paid for the execution of the three (3) contracts vide his company account with Eco Bank PLC. Monies tagged "LG Allocation" and monies paid to the Accused person for the execution of those contracts were paid into his account which monies the accused person later withdrew in peacemeal.

The prosecution tendered the following exhibits;

1. EFCC INTERNAL MEMO
2. LETTER DATED 3<sup>RD</sup> MARCH 2012

3. LETTER DATED 10<sup>TH</sup> MAY 2012
4. LETTER DATED 4<sup>TH</sup> JUNE 2012
5. LETTER DATED 3<sup>RD</sup> APRIL 2012
6. LETTER DATED 29<sup>TH</sup> APRIL 2014
- 7 - 13 STATEMENTS OF THE ACCUSED PERSON.

After the close of case for the Prosecution the defense made a no case submission. The Court overruled the no case submission and the Accused person was called upon to enter for his defense.

The Accused person called two (2) witnesses and his defense is as follows:

The Accused person and the DW1 were doing business together until the Accused person got employed by the Giwa Local Government Council. The Accused person then left the business for the DW1 to run alone. The DW1 got jobs from the Local Government Council and sometimes bought jobs from contractors who were awarded same by the Local Government Council and after executing same shared the profit between himself, the workers and the Accused person. Twice he paid in money into the company account with Oceanic Bank now Eco Bank PLC being proceeds of contracts he procured and executed. The accused person was paid

contain allowances aside his salaries as approved by the Local Government Council. He was paid ₦50,000.00 (Fifty Thousand Naira Only) as risk allowance and ₦40,000.00 (Forty Thousand Naira Only) as overhead cost which were paid into his account. The other money paid into the Accused persons account was staff contribution which the accused person managed for the staff until the money was distributed at the end of each year.

The Accused person tendered the following exhibits:

- a. LETTER DATED 11<sup>TH</sup> DECEMBER, 2013
- b. EXTRACT FROM MEETING DATED 26<sup>TH</sup> AUGUST 2006
- c. PAYMENT VOUCHER
- d. FILE TAGGED "SALARY BILL, 2008"

After the close of case for the defense, matter was adjourned for adoption of addresses. On that date, none of the parties had filed their addresses. The Court then ordered the parties to file their addresses on specific periods and adjourned for judgment.

The defense filed their address on 29<sup>th</sup> day of August, 2016 while the Prosecution filed theirs on 31<sup>st</sup> day of August, 2016.

Both addresses are hereby deemed properly filed and adopted.

The issues formulated by both sides is the same, i.e, whether the prosecution has proved its case against the accused person beyond reasonable doubt.

I have carefully gone through the submissions of Counsel on both sides and do not intend to repeat same save to make reference from time to time.

In both Counts, the Accused person is charged with converting the sums of ₦1,028,296.00 and ₦347,425.00 respectively being monies derived directly from participation in corruption with the aim of concealing the illicit origin of the resources under Section 15(1)(a)(ii) of the money laundering (Prohibition) Act, 2011.

To succeed, the Prosecution shall prove;

1. That the accused person converted the said sums of money.
2. That the said sums were derived directly from participation in corruption.

AND

- 3 That the accused person converted the said sums with the aim of concealing the illicit origin of the monies.

Due to the nature of the charge, I shall deal with the elements of the offence as highlighted above in the following sequence:

- A *whether the said sums were derived from corruption*
- B *whether the accused person converted the said sums*
- C *whether the conversion was done with the aim of concealing the illicit origin of the monies.*

**A.**

*Whether the said sums were derived from corruption.*

In proof of this ingredient, the Prosecution's case is that the Accused person while being a cashier at the Giwa Local Government Council earned fluctuating salaries, double salaries and salaries higher than his grade level. That he registered Yuzafa Global Link Ventures in 2009 as a business name vide exhibit 6 with which he did several contracts for the same Local Government Council and was paid vide Eco bank account No: **2911201003387**. On two (2) occasions he was paid **₦1,028,296.00** and **₦ 347,425.00** for such contracts. Exhibit '2' is the statement of account evidencing payment of the said sums on 12<sup>th</sup> day of October, 2011. Exhibit '4' contains contract agreements between the Local Government Council and Yuzafa Global Link Ventures and payment vouchers. Exhibit '3' is a letter from the office of the chairman of the Giwa Local Government Council

wherein he listed several contracts done by Yuzafa Global Link ventures and how much that was paid for each contract by the Local Government Council. In exhibits 7 and 11 respectively, the Accused person stated that he was employed by the Local Government Council on 1<sup>st</sup> day of April, 2002, that he owns Yuzafa Global Link Ventures and that the sums stated above was monies paid for contract done for the Local Government Council by Yuzafa Global Link Ventures. Exhibit '6 reveals that Yuzafa Global Link Ventures was registered by the Accused person in 2009 as a business name.

It is therefore uncontradicted that the Accused person while an employee of Giwa Local Government Council registered the business name and as the proprietor, did contracts for the Local Government Council for which he was paid the sums of **₦1,028,296.00 and ₦347,425.00** respectively.

The evidence of the DW1 that the Accused person left him to manage the business after the Accused person got employed by the Local Government Council and that he did the contracts and gave the Accused person his own share is not reliable. This is because the Accused person from documentary evidence registered the



business while in the employment of the Local Government Council and not before.

Secondly there is nothing to show that the DW1 managed the business since by exhibit '6' it is the Accused person that is known to be the proprietor. Again the DW1 admitted that he is not a signatory to the account opened and run in the business name.

The question is how is this corruption?

The term corruption does not have a precise definition and is not defined under the Money Laundering (prohibition) Act 2011.

The Blacks law Dictionary 9<sup>th</sup> edition Defines corruption as;

- 1. Depravity, perversion, or taint; an impairment of integrity, virtue, or moral principle;**
- 2. The act of doing something with an intent to give some advantage inconsistent with official duty and the rights of others; a fiduciary's or official's use of a station or office to procure some benefit either personally or for someone else, contrary to the rights of others.**

Corruption when used against a public office holder can also be termed official misconduct, official corruption, and broadly used to

encompass a public officer's corrupt violation of assigned duties by malfeasance, misfeasance or nonfeasance. It is a generic term used to refer to a wide range of malconduct, misbehavior or misdemeanor in office and the like.

It is therefore an act of corruption for the accused person while being in employment as a public servant to register and run a private business. The Accused person himself admitted in his statement that most of the monies paid into his business account were paid in by his customers. It is also an act of corruption for the Accused person to use his registered private business to procure and do contracts for the Local Government Council where he worked as cashier which contracts should ordinarily be done by independent contractors. These acts of the Accused person are inconsistent with his official duties and by so doing, the Accused person has used his office to procure some benefit to himself contrary to the rights of others.

My finding therefore is that the Accused person derived the sums of **₦1,028,296.00 and ₦347,425.00** from participating in corruption.

As to the issue of receiving fluctuating salaries and salaries higher than his grade level, exhibits B, C and D shows that the accused person was paid certain allowances peculiar to his office.

The Prosecution has therefore failed to show that the Accused person was paid salaries above his grade level.

On whether the accused person was paid double salaries, the Prosecution has also failed to establish that it is so. The statement of account attached to exhibit 2 does not reflect the salary account of the accused person.

**2.**

***Whether the Accused person converted the above sums and whether the conversion was done with the aim of concealing the illicit origin of the sums.***

The statement of account attached to exhibit '2' reveal that the said sums were lodged by the Accused person who was the cashier as "GIWA LGA STATUTORY ALLOCATION" instead of monies paid for contracts done for the Local Government Council. The said statement also reveal that after the said amounts were lodged on 12<sup>th</sup> day of October, 2011, the Accused person being the only known signatory to the account issued several cheques for various

smaller sums and also made personal withdrawals between 12<sup>th</sup> day of October 2011 to 20<sup>th</sup> day of December, 2011.

Evidence therefore prove that the lodgment made by the Accused person was done with the aim of concealing the illicit origin of the funds being payment for contracts done for the Local Government Council. The modus of withdrawing such monies earned through corrupt means in piecemeal through several cheques drawn at the instance of the Accused person amounts to conversion of money derived from corruption.

On the whole my findings are that the prosecution has proved the ingredients of the offence as charged in counts 1 and 2.

Accordingly I find the Accused person guilty as charged in Count 1.

I also find the Accused person guilty as charged in Count 2.

***ALLOCUTUS.***

The Convict: - I want the Court to help me. I promise to the nation I will not repeat it again. I want the Court to forgive me. I have two (2) wives and ten (10) children. All of them are young. I am a diabetic patient. My elder brother died leaving me with Eleven (11) Children.

Please My lord.

Defence Counsel: - The convict has ten (10) children and a diabetic patient with chronic Alser. He is a first offender and ignorant of the offence.

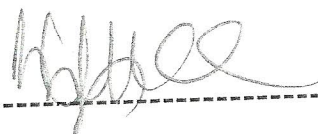
Prosecutor: - my lord we have no previous record of conviction. I wish my lord shall be guided by the sentencing guideline of this Court's practice direction.

**Sentence:** The level of culpability is high in the heat of the fight against corruption. The actions of the convict constitute an abuse to a position of significant trust and responsibility. The convict was also motivated by an expectation of substantial financial gain. There is also significant harm as the corrupt act has undermined the government in the provision of public services. He is however a first offender and consideration shall be given to all the periods of incarceration before the accused person was brought to court. I shall therefore apply the minimum punishment for the offence.

The convict is sentenced to five (5) calendar years imprisonment in count 1 and five (5) calendar years imprisonment in count 2.

Both sentences shall run concurrently and shall start to run from the 11<sup>th</sup> day of July, 2013 when the convict was arraigned before this Court.

The Registrar of this Court is hereby ordered to forward a copy of this judgment to the Civil Service Commission of Kaduna State and the code of Conduct Bureau.



HON. JUSTICE EVELYN .N. ANYADIKE  
27/10/2016.

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(Office of the Registrar)  
Federal High Court, Kad  
Jude A. Sgn

30/4/2018