## IN THE FEDERAL HIGH COURT HOLDEN AT LAGOS, NIGERIA ON FRIDAY THE 8<sup>TH</sup>DAY OF DECEMBER, 2017 BEFORE THE HONOURABLE JUSTICE HADIZA .R. SHAGARI JUDGE

CHARGE NO: FHC/L/401<sup>C</sup>/2017

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA

COMPLAINANT

**DEFENDANTS** 

AND

- 1. HONFFO DJIDENU
- 2. HOUNSSA BERGAKOLA
- 3. ATUNGBE PAUL
- 4. HONFFO EMINU
- 5. HOUNSSA ACHILIT
- 6. HOUNFFO DJOELIT

## JUDGMENT

The Accused/Defendants stand trial for an offence contrary to and punishable under Section 1 (19) (a) of the Miscellaneous Offences Act, Cap M17 Laws of the Federation of Nigeria 2004 and punishable under Section 1(17) (b) of the same Act, in that they on or about 7<sup>th</sup> September, 2017 at Lagos Anchorage, Apapa, Lagos within the jurisdiction of the Honourable Court attempted to commit an offence to wit: dealing in petroleum products in Nigeria without lawful authority or appropriate licence.

On the 8<sup>th</sup> December, 2017 when the charge was read over to the

Accused/Defendants they understood same and pleaded guilty.

In view of the plea of guilt by the Accused/Defendants the Prosecutor proceeded to review the facts of the case as contained in the charge. The Prosecution further tendered from the Barr 6 (Six) Exhibits in evidence.

1.	The following documents are in	
	evidence as	Exhibits A, B, C and

2.	The statement of the $1^{st} - 6^{th}$	Exhibit E1 – E6
	Defendants	

3.	Picture/Photograph of the items	Exhibit F1 & F2
	Recovered are	

With the tendering of the Exhibits as highlighted above, Exhibit A-F respectively, the Prosecution close their case and pray for the conviction of the Accused/Defendants based on the plea.

The Accused/Defendants told this Court they have no any defence to the charge.

I have considered the submission of the Prosecution and I am of the view that the Prosecution has proof the case beyond reasonable doubt and I hereby convict the Accused/Defendants accordingly as charge.

Question:	Do you understand the conviction read to you?
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1<sup>st</sup> Defendant: Yes I do.

2<sup>nd</sup> Defendant: Yes I do.

3<sup>rd</sup> Defendant: Yes I do.

4<sup>th</sup> Defendant: Yes I do.

5<sup>th</sup> Defendant: Yes I do.

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6<sup>th</sup> Defendant:

Yes I do.

Question:

Are you guilty or not guilty:

1<sup>st</sup> Defendant:

Am guilty.

2<sup>nd</sup> Defendant:

Am guilty.

3<sup>rd</sup> Defendant:

Am guilty.

4th Defendant:

Am guilty.

5th Defendant:

Am guilty.

6<sup>th</sup> Defendant:

Am guilty.

Prosecution:

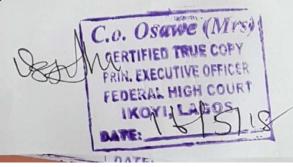
In view of the plea of guilty by the 1<sup>st</sup> – 6<sup>th</sup> Defendants the facts of the case are the Nigeria Navy on Patrol on 7<sup>th</sup> September, 2017arrested all the 6<sup>th</sup> Defendants on the Nigeria Waters at the Lagos Anchorage at Apapa. They were suspected to be Oil Bunkers. They were arrested with wooden boat and 140 Empty Drums.

The investigation into the arrest revealed that the 6<sup>th</sup>

Defendants have no any licence either to navigate on the Nigeria

Waters or to deal with Petroleum Products.

The 5<sup>th</sup> Defendant Hounssa in his statement owned up to the fact that they were dealing with the Petroleum Products in Nigeria illegally and based on this facts, the 6<sup>th</sup> Defendants were



charge before this Honourable Court for the attempt to deal in Petroleum Products.

We apply to tender the statement of 6<sup>th</sup> Defendants and handing over note for the Navy dated 13<sup>th</sup> 0ctber, 2017 and picture of the Exhibits attach.

We adopt the plea bargain agreement before the Court and convict the  $6^{th}$  Defendants as charge and sentenced them accordingly.

1<sup>st</sup> – 6<sup>th</sup> Defendants:

No objection.

Prosecutor:

We urged the Court to convict the 6 Defendants and sentenced them accordingly as charged.

1<sup>st</sup> – 6<sup>th</sup> Defendants:

We urge the Honourable Court to allow the plea bargain entered by the 6 Defendants and also pray to the Court to temper justice with mercy.

In view of the plea of guilt by the 6<sup>th</sup> Defendants and plea bargain entered by the Prosecution, the 6<sup>th</sup> Defendants and the Defence Counsel dated 5<sup>th</sup> December, 2017 and upon the review of facts of the Prosecuting Counsel coupled with the Exhibits before the Honourable Court.

I hereby adopt the terms of the plea bargain as Judgment of this Honourable Court and convict the  $1^{st}-6^{th}$  Defendants accordingly as charged and I hereby

sentence them to 6<sup>th</sup> Months prison term each from the date of first arrest. The documentary exhibits be kept with the Court staff for proper custody.

HON. JUSTICE HADIZA R. SHAGARI

JUDGE 8/12/17

**APPEARANCES:** 

PARTIES:

THE  $1^{ST} - 6^{TH}$  DEFENDANTS ARE IN COURT.

ZAINAB ETTU FOR THE PROSECUTION

ABDULMALIC IBRAHIM & AB JOSIAH FOR THE  $6^{\mathrm{TH}}$ 

DEFENDANTS.

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