

IN THE HIGH COURT OF ENUGU STATE OF NIGERIA
IN THE ENUGU JUDICIAL DIVISION
HOLDEN AT ENUGU

BEFORE HIS LORDSHIP HON. JUSTICE C. O. AJAH, PhD
ON MONDAY THE 3RD DAY OF JULY, 2017

SUIT NO: E/97C/2017

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA

AND

1. JAMES EDWIN EHIAGHE
2. AIMIENMWOHA OSAHON

Accused persons present

1.1. Mbachie appears for the prosecution.

Mathew Adebola appears for the 1st accused person.

M.E. Okejie appears for the 2nd accused person.

Mbachie: The case is slated today for plea- However, we were approached by the counsel for accused persons for plea bargain agreement which we accepted. I apply that the charge be read to the accused persons. The accused shall plead to the charge and the I. P. O. will state the facts of the case. Based on the facts the court will convict and after allocutus and after tendering the plea bargain, the court will sentence the accused persons based on the plea bargain agreement.

Adebola: No objection.

Okojie: No objection.

Court: Charge read and explained to each of the accused persons in English Language to the satisfaction of the court and each accused appears to perfectly understood same and pleaded as follows:

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ASST. CHIEF REGISTRAR
Sign..... Date 20/6/18

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Court1:-

1st accused: - I understand the charge. I am guilty.

2nd accused: - I understand the charge. I am guilty.

Mbachie: - I apply that the I. P.O. review the facts of the case.

Pw1: - Christian, swears on the Bible and states in English Language as follows:

My name is Ibrahim Saidu Garba. I am an Operative attached to the Economic and Financial Crimes Commission, Enugu Zonal Office. My schedule of duty includes the investigation of all cases that has to do with Economic and Financial Crimes, arrest of suspect, testifying in court etc. I knew the accused persons with regards to a petition dated 21/1/2016 written and signed by Ugwueke Lilian Ogechukwu.

The facts of the case are contained in the charge before the court. In support of the charge are the petition, the statements of the accused persons and letter of investigation activity written to United Bank for Africa Plc and reply from the same Bank another letter written to Fidelity Bank Plc and reply from the same and the plea bargain agreement with the accused persons.

Mbachie: - I apply to tender the above documents in evidence.

Adebola: - No objection.

Okojie: - No objection.

Court: - The above documents are admitted in evidence and marked Exhibits '1', '2', '3', '4', '5', '6', '7', and '8' respectively.

Pw1: - That is all.

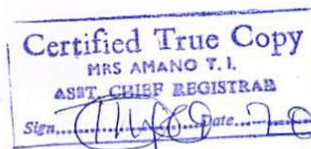
Adebola: - I have no question for the pw1.

Okojie: - I do not have any questions for the pw1.

Mbachie: - Based on the plea of the accused persons and the facts stated by the pw1 I apply that the accused be convicted accordingly.

Adebola: - I have no objection to the conviction of the 1st accused.

Okojie: - I have no objection to the conviction of the 2nd accused.



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JUDGMENT

Court: - Based on the plea of the accused persons to the information against them and based on the evidence presented to the court by the pw1 which was not objected to by any of the counsel to the accused person, the 1st accused person and the 2nd accused person are hereby convicted as follows: -

Count I: -

The first accused is convicted as charged.

The 2nd accused is also convicted as charged.

Count II

1st and 2nd accused persons are convicted as charged.

ALLOCUTUS: -

Adebola: - The 1st convict is a first time offender and he has shown remorse for his action. The money he collected from the victim has since been refunded to the victim. The first convict is also a final year student of Public Administration at the Ambrose Ali University Ekpoma and their examination is at the corner. Also considering the age of the 1st convict he has a lot to offer to this country if he is given the opportunity to correct his ways. The 1st convict spent 8 months in custody before they were released on Administrative Bail. Also realizing what they did, they did not waste the time of the court and pleaded guilty to the charge. We appeal passionately that since the stigma of conviction will forever follow the convicts to their graves, that the eight months they spent at EFCC Cell be enough and be taken in lieu of their sentences.

Okojie: - I adopt the submissions of my learned colleague, Adebola Esq. as mine. I only add that the 2nd convict is about embarking on his Masters Degree – programme.

Mbachie: - There is no record of previous conviction against any of the convicts. The law is that the offence cannot be more than two years imprisonment.

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Signature: [Signature] Date: 20/6/2018

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The convicts have shown enough remorse. As per our plea bargain agreement, we agreed that the eight months the convicts spent in the EFCC custody should serve in lieu of any sentence or imprisonment starting February 2016 to October 2016.

Sentence: -Considering the age of the convicts and the plea bargain agreement entered into by the parties in this case, each of the convicts is sentenced as follows:

Count I

Both the 1st and 2nd convicts are sentenced to eight months imprisonment each without option of fine.

Count II

Both the 1st and 2nd convicts are sentenced to eight months imprisonment without option of fine.

Both sentences to run concurrently.

The period served by each of the convicts in the EFCC custody shall be reckoned with in the execution of sentence. That being the case the Eight Months in carceration in the custody of the EFCC by the convicts is accepted in full satisfaction of the sentences of the court.

Sgd.

C. O Ajah, PhD

Judge

3/07/2017

Certification
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