

IN THE FEDERAL HIGH COURT OF NIGERIA
HOLDEN AT ENUGU
ON THURSDAY THE 21ST DAY OF APRIL, 2016
BEFORE THE HON. JUSTICE M.N. YUNUSA
JUDGE

CHARGE NO: FHC/EN/CR/4/2016

BETWEEN:

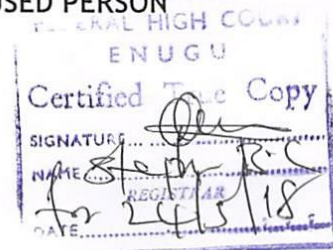
THE FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

AND

NWADINOBI CHIBUIKE SUNDAY - ACCUSED PERSON

M. A. Ekwu for the Prosecution

K. O. K Agbowo for the Defendant



JUDGEMENT

The charge was read in English Language, interpreted and explained to the Accused person in ibo language, the language he speaks and understands. He pleaded guilty, learned counsel for the prosecution tendered certain items which includes the statement of the Accused and the monetary exhibits that was seized and recovered from the Accused person. Learned counsel, for the Accused did not raise any objection and were admitted in evidence and duly marked as exhibits.

Thereafter learned counsel for the Prosecution urged the court to convict the Accused person.



I have considered all the issues raised, the Accused has pleaded guilty and in a summary trial where the Accused has pleaded guilty, the next step is to convict him base on his plea. But in the instant case, the Prosecution went a step further to tender certain exhibits which were admitted and marked without any objection from the learned counsel for the Defendant.

The requirement of the law is that in criminal cases the prosecution has to prove its case beyond reasonable doubt. After considering the evidence before the court coupled with the plea of guilty, I am satisfied that the prosecution has proved its case beyond reasonable doubt. In this regard, the Accused is hereby found guilty and accordingly convicted.

ALLOCUTUS

Agbowo:

FEDERAL HIGH COURT
ENUGU
Certified True Copy
SIGNATURE
NAME
REGISTRAR
DATE 24/5/18

This case came up on the 15th of February, 2016. The Accused pleaded not guilty thereafter we reviewed the case and the circumstances surrounding the case. This is a young man who is doing genuine business and has already open a business contact with foreigners and has established a credit line with his Chinese Dealers and suppliers of the musical instrument. And the \$43,150,000 that was found on him was the money he was transporting to pay the Chinese dealers for the goods they supplied to him in credit. He did not declare the sum of \$3,150 to the customs and he has been under pressure from the Chinese partners as they could not believe that he was telling them the

truth. They are now under the impression that he is one of those Nigeria who is out to dupe them. He is ready to make any sacrifice to ensure that he redeems his image and the image of this country. He has not committed any crime before both in this country and outside. Upon this circumstance we agreed to apply to the EFCC under Section 270 of the ADCJ Act 2015 for a plea bargain. In view of their investigation which we also confirmed that he is a genuine business man they acceded to our request and upon that we file the plea bargain agreement dated 21st April 2016 duly executed by both parties. In accordance with the provisions of the Act.

We humbly urge the court to tamper justice with mercy and allow us to adopt the terms of the plea bargain and to guide the court in sentencing the Accused person.

Ekwu: What learned counsel for the Defendant said is the true position.

There is no record of previous conviction and from the evidence of our investigations he is a genuine business man and the most unfortunate thing the money seized is creditor's money we are in a dilemma.

Unfortunately, he declared only \$40,000, he did not declare \$3,150.

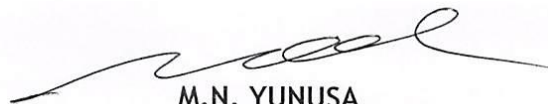
From the provisions of the Money Laundering Act, it is only the excess amount that will be forfeited, that is my case.

SENTENCE: A plea bargain is an innovation that was introduced by the Administration of Criminal Justice Act 2015 See Section 270 of the said Act.

A plea bargain is like a terms of settlement filed in court where the parties adopt same and urge the court to enter it as its Judgment.

In the instant case, learned counsel on both sides have adopted the said terms of the plea bargain.

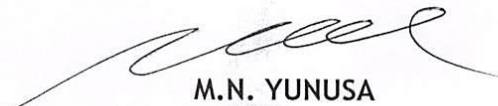
And in this regard, the court hereby enter it as its Judgment.



M.N. YUNUSA
JUDGE
21/04/2016

Ekwu - I apply the sum of \$40,000, the international passport of the convict be released to the convict.

Court: The application is hereby granted. The sum of \$40,000 and the international passport of the convict are hereby released to him.



M.N. YUNUSA
JUDGE
21/04/2016

