

IN THE COURT OF APPEAL
HOLDEN AT ENUGU

ON THE 30TH DAY OF NOVEMBER, 2016
BEFORE THEIR LORDSHIPS:

HELEN MORONKEJI OGUNWUMIJU
IGWE IGNATIUS AGUBE
TOM SHAIBU YAKUBU

JUSTICE, COURT OF APPEAL
JUSTICE, COURT OF APPEAL
JUSTICE, COURT OF APPEAL

CA/E/13C/2016

BETWEEN

OFONEME ENUKORA

APPELLANT

AND

FEDERAL REPUBLIC OF NIGERIA

RESPONDENT

JUDGMENT

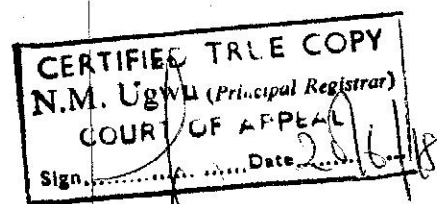
DELIVERED BY HELEN MORONKEJI OGUNWUMIJU, JCA

This is an appeal against the judgment of Hon. Justice I.B. Gafar of the Federal High Court, in Charge No. FHC/AWK/14C/2012 delivered on 13/5/2015 convicting and sentencing the Appellant to seven years imprisonment without an option of fine for the offence of obtaining money by false pretences. In addition, the court ordered the refund of the sum of N4,500,000.00 found falsely obtained to the complainant.

The facts leading to this appeal are as follows:

The Respondent filed a Two Count Amended Charge against the Appellant and another for the offences of Conspiracy and Obtaining the sum of N4,500,000.00 by False Pretence contrary to Sections 8 (A) and 1 (1) (A) of the Advance Fee Fraud and Other Related Offences Act, 2006 and punishable under Section 1 (3) of the same Act. The Appellant was convicted only on the 2nd count set out below:-

That you Ofoneme Enukora and Maureen Umeokana sometime on or about the 22nd day of April 2009 at Awka, Anambra State, within the



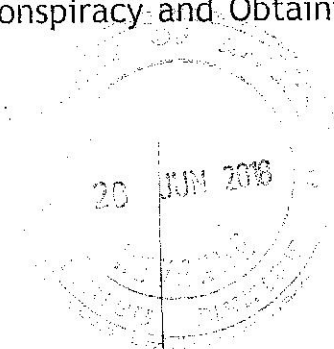
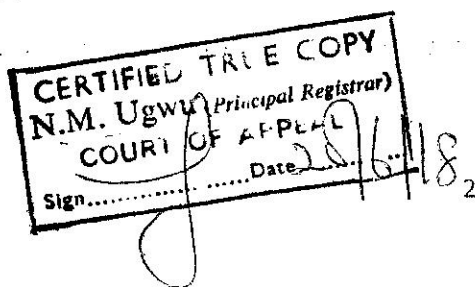
jurisdiction of the Federal High Court of Nigeria, with intent to defraud, Obtained the sum of N4,500,000.00 (Four Million Five Hundred Thousand Naira only) from one Hon. Chukwuma Umeoji when you falsely represented yourself to be the owner of a plot of land situate and lying at Abeokuta Area of Amuda village by Aroma Junction Awka South Local Government Area of Awka, which pretence you knew to be false and thereby committed an offence contrary to Section 1(1)(b) of the Advance Fee Fraud and Other Related Offences Act No. 14 of 2006 and punishable under Section 1(3) of the same Act.

The Complainant (PW4) was approached by DW5 (2nd Accused Person at the trial court) who told him that the Appellant had a plot of land for sale for the sum of N4,500,000.00 (Four Million Five Hundred Thousand Naira). PW4 indicated his interest to buy the said piece of land and instructed his Personal Assistant (PW1) to inquire about the genuineness of the land and pay for same if satisfied that the land was not encumbered. PW1 subsequently met with the Appellant and DW5 and they both assured PW1 that the land was not encumbered.

Consequent upon the assurance of DW5, PW4 instructed PW1 to pay the sum of N4,500,000.00 (Four Million, Five Hundred Thousand Naira) to the Appellant. A purchase agreement was subsequently executed in respect of the land with the Appellant.

PW4 thereafter mobilized workers to start construction on his newly acquired property but his labourers were chased away from the land by the family of Onuorah who informed PW4 that the land belonged to one Mr. Onuorah who died in 1996. PW4 was told that the wife of the said Mr. Onuorah, Mrs. Esther Onuorah, inherited the land after the death of her husband.

PW4 consequently petitioned the EFCC after efforts at getting a refund from the Appellant failed. The Appellant was charged along with DW5 at the trial court and while the Appellant was convicted on the second count, DW5 was discharged and acquitted of both counts of Conspiracy and Obtaining by False Pretences.



In proof of its case, the prosecution called 5 witnesses all of whom testified and were cross examined by the defence, tendered several documents which were admitted and marked as Exhibits. The 5 witnesses are as follows:

PW1 - Nestor Nwosu the Personal Assistant to PW4

PW2 - Bridget Onuorah the Widow of Mr. Onuorah

PW3 - Ifeatu Oranu a Member of the Oduchalocha family (Mr. Onuorah's family)

PW4 - Chukwumah Umeoji the Complainant

PW5 - Awwal Umar Farouk the EFCC Investigating Officer

The Appellant testified in his own defence as DW3 and called 3 other witnesses as follows:

DW1 - Eric Okekearu the son of Sylvester Okekearu who sold the land to the Appellant.

DW2 - Lawrence Nnegbo who had been working on the land on the permission of the Appellant.

DW4 - Emmanuel Chukwudi the owner of an adjoining plot of land.

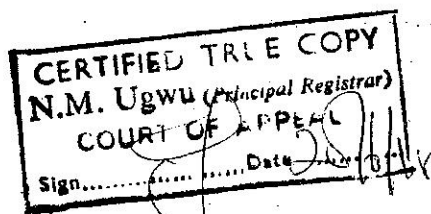
At the end of trial, the Appellant was found guilty of the offence of Obtaining by False Pretence and sentenced to seven (7) years imprisonment including a refund of N4,500,000.00 to PW4.

Aggrieved, the Appellant filed a Notice of Appeal on 26/5/15 and his brief was deemed filed on 27/9/16. The Respondent's brief was also deemed filed on 27/9/16.

In the brief settled by Rapheal Nzekwe Esq., the Appellant raised three issues for determination as follows:

"i. Whether the prosecution discharged the onus of proof placed on him by virtue of Section 135 (1) & (2) of the Evidence Act, 2011 as to secure conviction of Appellant (distilled from ground one)

ii. Whether the Honourable Trial Court safely convicted the Appellant when the issue of title to land sold to the



Complainant by the Appellant had not been determined by the State High Court Holden at Awka (distilled from Ground Two)

- iii. Whether the Honourable Trial court is (sic) right when he ordered the appellant to pay back the sum of N4.5m to the Complainant when part of the money precisely the sum of N500,000.00 had been paid by the 2nd Accused person as what she benefitted from the transaction(Ground three)

The Respondent in the brief settled by Ajobiewe Rotimi Entina and Mbachie Innocent Esq. of the EFCC raised an incomplete issue for determination as follows:-

“Whether the prosecution proved his case beyond reasonable doubt against the Appellant to warrant the lower”

In my humble view, two issues can be distilled from the arguments of counsel for the Appellant.

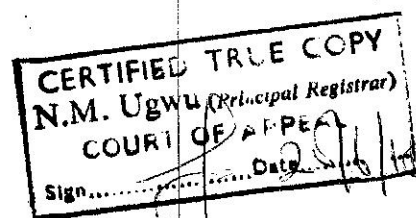
1. Whether the prosecution proved its case beyond reasonable doubt against the Appellant to warrant his conviction.
2. Whether the order of restitution of the total sum of N4,500,000.00 to the complainant was proper in the circumstances.

ISSUE ONE

Whether the prosecution proved its case beyond reasonable doubt against the Appellant to warrant his conviction.

Learned counsel to the Appellant argued on this issue that the prosecution did not discharge the onus of proof placed on him by Section 135 of the Evidence Act, 2011. Counsel submitted that PW5 failed to investigate the claim of DW2, Lawrence Nnagbo that one Mr. Okekearu gave the land to him for farming in 1989 and the said Mr. Okekearu told him in 1996 that he had sold the land to a third party and subsequently introduced him to the Appellant as the new owner. Counsel submitted that PW5 failed to investigate this assertion.

Counsel argued that the failure of PW5 to investigate this aspect of the matter casts some doubts on the case of the prosecution as regards the intention of the Appellant to defraud the Complainant. He submitted that this doubt must



be resolved in favour of the Appellant. Counsel cited the case of **Federal Republic of Nigeria v. Mohammed Usman alias Yaro Yaro & anor (2012) 8 NWLR, Pt. 1301 Pg. 141 at 156-157** and submitted that it is the duty of the prosecution to prove the case against the accused person beyond reasonable doubt as provided by Section 137 (1) of the Evidence Act.

Appellant's counsel also argued that the mere fact that the Appellant did not register Exhibit 6 is not sufficient to hold that the Appellant did not buy the land which he sold from Mr. Okekearu. He urged the court to resolve the issue in favour of the Appellant.

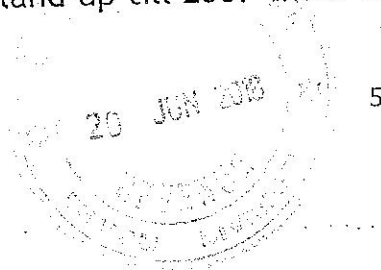
Learned Appellant's counsel also argued that the Appellant gave uncontroverted evidence that there was a pending suit at the Awka High Court in respect of title to the land sold to PW4 in Suit No. A/159/2009: **Mrs. Bridget Onuorah & 2 ors v. Mr. Nweke Enuorah (Ofoneme)** which suit had not been decided by that Court.

Counsel argued that the learned trial judge did not consider the fact that the issue of title to land was subjudice at the High Court of Justice Awka before convicting and sentencing the Appellant. Counsel submitted that Exhibit 6 is relevant to determine the rightful owner of the land which will help the court to find out whether there was any intention on the part of the Appellant to defraud PW4.

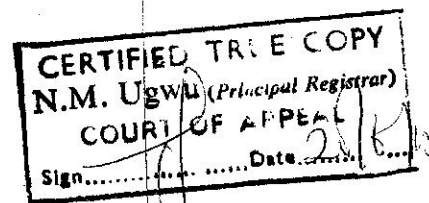
Counsel argued that there was no mens rea upon which the Appellant was convicted. Counsel, relying on **State v. Leticia Osler (2005) 2 ACLR Pg. 502**, finally submitted that there was no false pretence on the part of the Appellant.

Learned counsel to the Respondent on the other hand argued that the Respondent proved the essential ingredients beyond reasonable doubt as required by law. Counsel submitted that during PW1's examination-in-chief, he gave a detailed testimony that the Appellant told him that the piece of land was his and free from any encumbrance.

Counsel submitted further that PW2 testified that the land belonged to her husband who got it from the community in 1978, that she was present when the land was shared and that she had been working on the said land until 1995 when she lost her husband. That she inherited the land and continued working on the piece of land up till 2007 when she realized people were working on the piece of land.



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Learned counsel argued that the evidence of PW2 goes to show that there was dispute on the said piece of land as far back as 2007 and 2008 between her and the Appellant before the sale of the said piece of land in April, 2009.

Counsel relied on the case of **Gbadamosi & ors v. Akinloye & ors (2013) LPELR-20937 (SC)** in his submission that the Appellant by his fraudulent act is caught up with the doctrine of 'Nemo Dat Quod Non Habet' which means that you cannot give what you don't have legal title to.

Respondent's counsel submitted that the issue before the court as evidenced by count 2 of the charge borders on obtaining money by false pretences under Section 1(1), Advance Fee Fraud and Other Related Offences Act 2004. Counsel submitted that the Appellant falsely presented himself as being the owner of the disputed piece of land which he knew was in dispute at the time he was making the sale. Counsel argued that the Appellant denied that there was any dispute on the land before the sale under examination in chief until he was shown exhibit 7 deposed to by him before he admitted that there was dispute in 2007 before the sale in 2009.

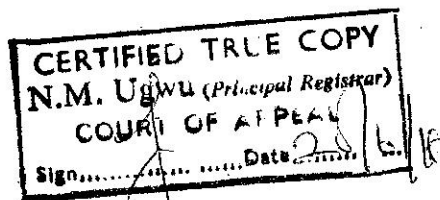
Counsel argued that considering the evidence adduced by the prosecution particularly those of PW1, PW2, and PW4 and exhibits 1 and 7, the Appellant falsely represented that the said land is not encumbered as such he was able to induce the PW4 to pay the purchase price.

Respondent's counsel finally submitted that the Appellant intentionally failed to disclose the state of affairs to PW4 because he had harboured the intention to defraud him of his hard earned money.

OPINION

The main offence as disclosed in the charge is contained in Section 1 of the Act. It provides that:-

1. (1). Notwithstanding anything contained in any other enactment or law any person who by any false pretence, and with intent to defraud
 - (a) obtains from any other person in Nigeria or in any other country for himself or any other person;
 - (b) induces any other person in Nigeria or in any other country to deliver to any person; or



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(c) obtains any property, whether or not the property is obtained or its delivery is induced through the medium of a contract induced by the false pretence, commits an offence under this Act.

(2). A person who by false pretence and with the intent to defraud, induces any other person in Nigeria or in any other country to confer a benefit on him or on any other person by doing or permitting a thing to be done on the understanding that the benefit has been or will be paid for commits an offence under this Act.

(3). A person who commits an offence under this subsection (1) or (2) of this section is liable on conviction to imprisonment for a term not more than twenty years and not less than seven years without the option of fine

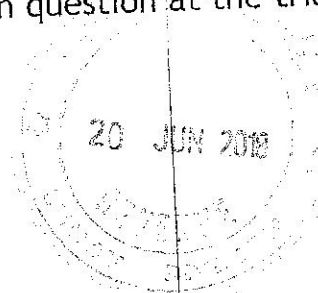
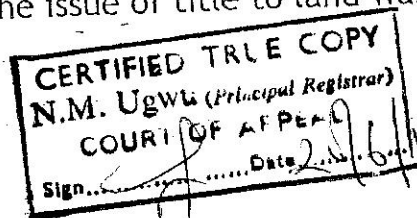
Section 20 of the Act defines "false pretence" as "means of representation, whether deliberate or reckless, made by word, in writing or by conduct of a matter of fact or law, either past or present, which the person making it, knows to be false or does not believe to be true."

It is settled from evidence as distillable from the Record that PW4 bought the land in question from the Appellant in 2009 having been assured that the Appellant had good title to it and was therefore entitled to sell it.

DW1 in his evidence stated that Sylvester Okekearu (whom the Appellant claimed sold the land to him) was his father, that his father bought the land from one Mr. Onuorah in 1977 and sold it to the Appellant in 1996. The evidence of DW2 is also that he had been farming on the land since 1989 on the instruction and permission of Mr. Okekearu until 1996 when it was sold to the Appellant who also allowed him to continue to farm thereupon.

On the other hand, PW2 claimed to have inherited the land from her late husband who died in 1996. PW3 also echoed the evidence of PW2. These series of assertions show that there was dispute on the land between the parties.

The argument of Appellant's counsel that the mere fact that the Appellant did not register Exhibit 6 is not sufficient to hold that the Appellant did not buy the land which he sold from Mr. Okekearu is misguided. I must point out clearly that the issue of title to land was neither in question at the trial court, nor is it



before this court. What is in question is whether or not the Appellant intended to defraud PW4 by selling the land to him without disclosing the existing dispute.

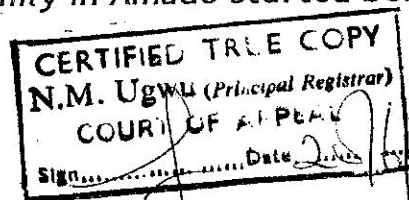
Did the Respondent prove beyond reasonable doubt at the trial court that there was dispute over the land at the time the Appellant sold it and refused to disclose the existing dispute to PW1 & PW4? During cross examination of the Appellant, an affidavit that was filed in an action that the Appellant instituted at the High Court in respect of the land was tendered from the bar where it was deposed to that there was indeed dispute on the land prior to its sale to the complainant. The agreement for sale of land was tendered as Exhibit 6. The affidavit was admitted as Exhibit 7.

The said affidavit contained depositions to the effect that in 2008, some people from the family of Onuorah challenged the Appellant's ownership of the land. I cannot disagree with the Respondent's counsel that the Appellant knew of the existing dispute, failed to disclose to the innocent buyer for value and sold the land with the encumbrance to PW4.

At page 178 of the Record, the learned trial judge held as follows:

"Going back to the facts once again and upon a further deeper consideration to the evidence of PW2 and PW3 which I have reproduced in verbatim earlier, it is very clear that the title and ownership of the land in question have been a subject of unresolved dispute between the 1st Accused on one hand and the PW2 and others on the other hand. This particular fact has not been contradicted by any other; including more, the testimony in the defence of the 1st Accused. Furthermore this fact is indeed supported by the supporting affidavit (exhibit 7) in the related suit pending in this court where the deponent therein deposed on oath on the instruction of the 1st Accused who is the 1st Applicant in that:

10. That ever since 1977 when Mr. Okokearu purchased the property, none of relations of late Ifeatu Onuoral challenged the ownership until sometime in 2008 when some faceless and disgruntled individuals who claimed to have come from Onuorah family in Amudo started being funny"



In the testimony of PW3, he said that PW2 had reported encroachment on the land since 2006 and they thereafter challenged the title of the Appellant to the land. From the testimony of the witnesses, it is clear that as at 22/4/09 when the Appellant sold to PW4, there was ongoing dispute on the land which he knew had existed since at least 2007. He claimed that he bought the land since 1996 but did not sell it until 2009 when dispute arose on it. The Appellant obviously wanted to shift the uncertainty and burden of land litigation on another person, a phenomenon all too common among people in these times.

False pretence as I defined earlier is a reckless or deliberate representation by word or conduct which the person knows to be false or does not believe to be true.

I agree with the learned trial judge that the Appellant ought not to have contemplated selling off the land in that state of affairs regardless of the strength of his ownership and title. The reasoning of the trial judge as to the prevalence of alienation of lands in dispute by parties and the ugly situation it usually portends for the innocent buyer is absolutely well founded.

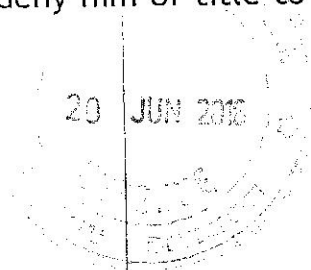
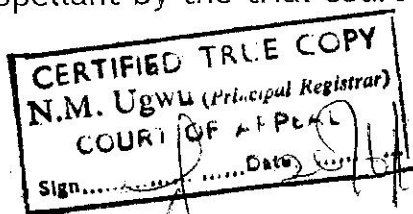
I am of the view that the misrepresentation came from the assurance given to PW1 by the Appellant that the land was not in dispute knowing that his title to the land had been challenged since 2007

On the second leg of this issue, the question before the trial court was not whether the land belonged to the Appellant or not. The trial court needed to make a finding of whether there was false pretence to ground the charge preferred against the Appellant. The finding of the trial court was that the Appellant misrepresented to PW1 and PW4 that the land which he sold as his property, had no dispute whatsoever.

The learned trial judge held at page 180 of the Record as follows:

"It is still false pretence if he was merely reckless at it; and he was indeed, at the very least, very reckless. Needless to say, because ample evidence abounds, that it was by his conduct of false pretence that he consequently obtained the purchase price of N4,500,000.00 from the PW4"

I cannot agree more with the learned trial judge on this issue. The conviction of the Appellant by the trial court does not deny him of title to the land. That



issue is before the High Court of Anambra state in the civil suit instituted by the Appellant. As I said earlier, the failure and/or refusal of the Appellant to disclose to PW4 of the existence of the dispute on the land prior to its sale represented an intention to defraud PW4 who parted with his money based on the false assurances of the Appellant that he would have unencumbered access to the land.

Appellant's counsel questioned the mens rea upon which the Appellant was convicted. Mens rea is the intention or knowledge of wrong doing that constitutes part of a crime. The Appellant knew that the land was in dispute when he sold it to PW4.

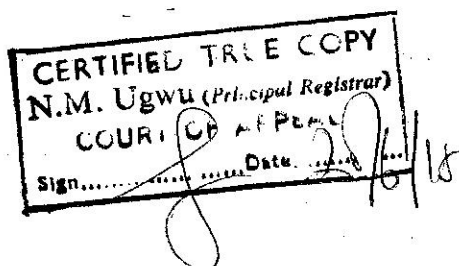
No doubt the criminal intent of the Appellant was manifested by his sale of the land to an innocent third party for value immediately the land dispute became persistent and serious. He wanted to get out of the problem by shifting it on an innocent purchaser. He refused to return the purchase price and only offered to do so after he was convicted. From the evidence on record, he knew that he had passed on to PW4 questionable title.

In *Onwudiwe v. FRN* (2006) 10 NWLR (Pt. 988) 382 at Pg. 432, Niki Tobi, JSC held as follows:-

"The false pretence on the part of the Appellant was very clear. At the time he was in the so-called business conversation with Mrs. Justina Nkechi Nwaogu, he knew that neither the Ivory Merchant Bank Limited nor himself had US\$345,000 to exchange for N16.56 million. And that made the pretence false. And because he had intention to defraud, the Appellant kept away from PW1 and PW2 the fact that he had no dollar value or content of the N16.56 million. By his action and conduct, Appellant had an intentional perversion of truth for the purpose of inducing PW1 and PW2 to part with N16.56 million without a dollar." (underlined mine)

I have read the Records and I find as follows in this appeal:

- i. The Appellant was aware of the existence of a dispute to the land and failed to disclose to PW1.
- ii. The Appellant represented to PW1 that there was no dispute on the land.



- iii. The Appellant refused to disclose the existence of the dispute because PW4 would otherwise not have purchased it.
- iv. PW4 effected payment based on the assurance of the Appellant that the land was free of any encumbrance or dispute.

In order to succeed in a charge of obtaining by false pretence, the Supreme Court held in *Onwudiwe v. FRN (Supra)* that the prosecution must prove;

- i. That there is a pretence
- ii. That the pretence emanated from the accused person
- iii. That it was false
- iv. That the accused person knew of its falsity or did not believe in its truth
- v. That there was an intention to defraud
- vi. That the thing is capable of being stolen
- vii. That the accused person induced the owner to transfer his whole interest in the property.

Once all the ingredients of an offence have been proved by the prosecution to the satisfaction of the court, the charge is said to have been proved beyond reasonable doubt. I am convinced that the charge before the trial court was proved beyond reasonable doubt, the prosecution having proved the required ingredients as enumerated above.

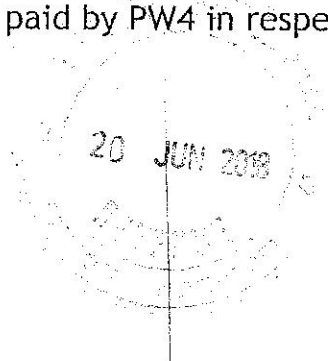
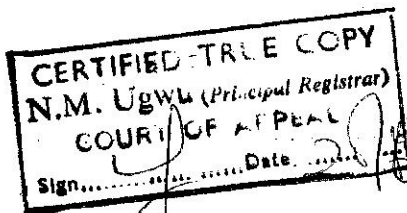
It is my view that the issues to be determined in the subsisting Suit before the High Court have not been affected by the conviction of the Appellant by the trial court.

I resolve this issue against the Appellant.

ISSUE 2

Whether the order of restitution of the total sum of N4,500,000.00 to the complainant was proper in the circumstances.

Appellant's counsel submitted that DW5 who was the 2nd Accused person at the trial court was given the sum of N500,000.00 by the Appellant as commission for the transaction from the N4,500,000.00 paid by PW4 in respect of the land.



Counsel submitted that DW5 paid back the money to PW4 ever before she was charged. Counsel submitted further that this evidence was elicited during cross examination of the counsel for the 2nd Accused and that the balance is now N4,000,000.00.

Counsel argued that there was no mathematical computation under which the sum of N4,500,000.00 could be remaining after PW4 had received the sum of N500,000.00 from DW5.

Respondent's counsel on the other hand did not address this issue. Counsel proffered no argument but submitted that the issue was not distilled from ground 3 of the Notice of Appeal and it is the position of law that issues not distilled from any ground of appeal cannot stand and ought to be struck out. He relied on *Global Fishing Industries Limited v. Coker* (1990) 7 NWLR (Pt. 162) 265 and *Onyido v. Ejembu* (1991) 4 NWLR (Pt. 184) 203.

OPINION.

Ground 3 of the Appellant's Notice of Appeal is hereby reproduced;

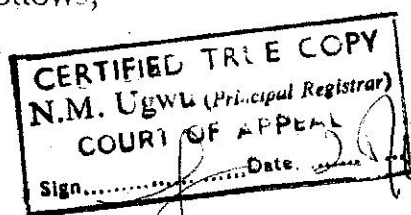
"GROUND 3

The learned trial judge erred in law by holding 1st accused person/convict liable for obtaining by false representation the sum of N4.5m from the complainant as a result of his reckless conduct

PARTICULARS

The order of the learned trial court holding the convict liable for obtaining by false representation against the complainant as a result of his reckless conduct occasioned a miscarriage of justice on the convict as reprehensive conduct does not amount or translate to criminal liability. Moreso when the statement made by the convict that he owns the property in question has not been proven to be false"

It is trite that issues must flow from a ground or grounds of appeal. In *Omo v. JSC Delta State* (2000) 12 NWLR (Pt. 682) 444 at 462, U. Mohammed JSC held as follows;




"I need not state the obvious statement of the law that issues are formulated against a ground or grounds of appeal. If an issue is not related to any ground of appeal, it is incompetent and ought to be ignored."

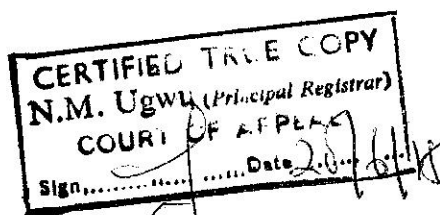
A careful perusal of the issue and the ground or even the grounds of appeal makes it patently clear that this issue has no relationship with any of the grounds of appeal. There are myriads of authorities on the essence of issues raised for determination in briefs of argument. Issues are meant to flow from the grounds of appeal in an appeal and where they do not so flow, they become incompetent and will be struck out by the court. See **Contract Resources Nig. Ltd. v. Standard Trust Bank Ltd. (2013) LPELR-19934(SC)**, **Nwankwo v. Yar'Adua (2010) 12 NWLR Pt. 1209 Pg. 518.**

It is my humble view that there is, no doubt, merit in the argument proffered by the Appellant that he should not be expected to return the sum of N500,000.00 already returned to the Appellant by DW5- who was the 2nd Accused person at trial. That would amount to double compensation for the complainant. However, there is no legal ground on which I can form a basis to review that particular order of the learned trial judge.

This issue does not emanate from any of the grounds of appeal. It has no legs to stand upon. It is liable to be struck out for being incompetent and it is hereby struck out.

Having resolved Issue 1 against the Appellant, the appeal fails. The conviction and sentence of Hon. Justice I.B. Gafar of the Federal High Court, Awka delivered on 13/5/15 in Charge No. FHC/AWK/14C/2012 is hereby affirmed. Appeal Dismissed.


HELEN MORONKEJI OGUNWUMIJU
JUSTICE, COURT OF APPEAL.

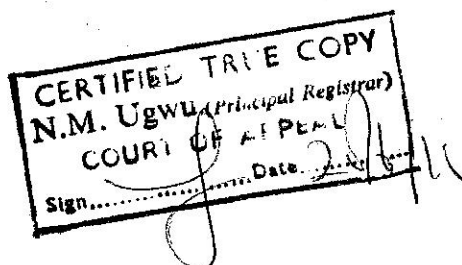


COUNSEL REPRESENTATION.

R.O. Nzekwe with S.C. Agha (miss) for the Appellant.

Ajobiewe Rotimi Entina with Mbachie Innocent Esq. and Habila Jonathan for the Respondent.

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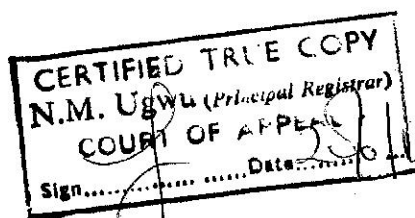


APPEAL NO. CA/E/13C/2016
IGNATIUS IGWE AGUBE, JCA

I had the privilege of reading in advance the erudite Judgment of my Learned PJ and I agree completely with his reasoning and conclusion that the prosecution proved beyond reasonable doubt, all the essential ingredients of receiving money under false pretences against the Appellant and therefore his conviction was well deserved.

There was intention to defraud the complainant when the Appellant by his misrepresentation caused the complainant to part with a whopping sum of ₦4,500,000.00 knowing full well that the land for which the said money was paid was under dispute.

As for the second Issue of restitution of the said sum paid for the land, I am also in agreement with my Lord that since the sum of ₦500,000.00 had earlier been refunded by the DW5/2nd Accused, it would amount to double compensation to order refund of the total sum earlier paid by the complainant. In any case, since the Issue for determination did not arise from Ground 3 of the Notice of Appeal, from which it was formulated, that Issue was rightly struck out by my Lord in line with the dictum of Mohammed, JSC in the case of **Omo v. JSC Delta State (2000) 12 NWLR (Pt. 682) 444 at 462** ably cited by my Noble Lord. See further **Kalu v. Odili & Ors. (1992) 6 SCNJ 76; Ugo v. Obiekwe & Anor. (1989) NWLR (Pt. 99) 566; and Nwankwo & Ors. v.**



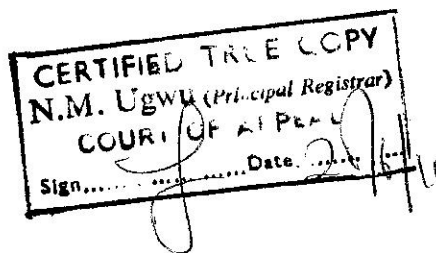
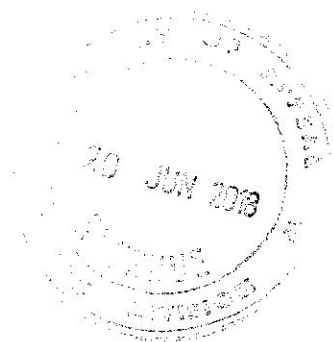
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Yar, Adua & Ors. (2010) LPELR – 2109 (SC) and A.T. Ltd. v. A.D.H. Ltd. (2007) LPELR – 454(SC). I shall also strike out the said Issue. However, the foregoing notwithstanding and with the resolution of Issue Number One against Appellant, he is nevertheless guilty of the offence of receiving money under false pretences and accordingly, his Appeal is unmeritorious and same is hereby dismissed by me.

The conviction and sentence imposed on him and the Judgment of the Trial Court is hereby affirmed.



IGNATIUS IGWE AGUBE,
JUSTICE, COURT OF APPEAL.

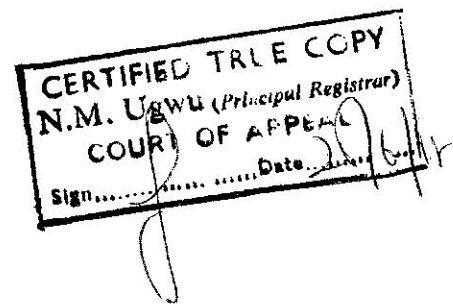
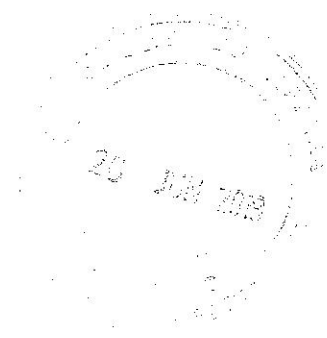


CA/E/13^c/2016
TOM SHAIBU YAKUBU

I had the preview of the illuminating judgment rendered by my Lord, **HELEN MORONKEJI OGUNWUMIJU JCA**, with whom I agree that this appeal is devoid of merits. The same stands dismissed.

The judgment of I. B. Gafar, J., of the Federal High Court, Awka, in re - Charge No. FHC/AWK/14C/2012, delivered on 13th May, 2015 is affirmed. The conviction of and the sentence imposed on the appellant, are each, hereby affirmed.


TOM SHAIBU YAKUBU
JUSTICE, COURT OF APPEAL



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