

IN THE HIGH COURT OF ENUGU STATE OF NIGERIA
IN THE HIGH COURT OF ENUGU JUDICIAL DIVISION,
HOLDEN AT ENUGU
BEFORE HIS LORDSHIP HON. JUSTICE C.I. NWOBODO
ON WEDNESDAY THE 18TH DAY OF MARCH 2015

SUIT NO. E/206C/2012

BETWEEN:

THE FEDERAL REPUBLIC OF NIGERIA

AND

OVIE ISRAEL

The Defendant is present.

Appearance: I.I. Mbachie Esq for the prosecution for the EFCC.

E.O. Isiwu Esq for the defendant.

The matter is for continuation of hearing.

The Defence Counsel informs the Court that the accused person now wishes to change his plea.

Prosecutor applies that the charge dated 15th March 2013 be read to the accused. Also applies for an amendment of the charge to strike out the 2nd count and leave the 1st count. Also to amend a typographical error on the 1st count the words which reads, "four hundred and fifty thousand naira" to read "four hundred thousand naira only". The defence does not object to amendment of the charge.

Court: Amendment of the charge is granted as prayed. Count 2 of the charge sheet is struck out.

The one Count amended charge is read to the defendant in English to the satisfaction of the court. The defendant understands same and pleads guilty.

Prosecutor submits the P.W. 1 had already testified on the 21st May 2013 and asks that the defence dispense with cross examination for the P.W. 2 Police officer to tender the documents.

Counsel to the defendant agrees.

P.W. 2: Affirms and states in English language. My name is Clifford Ikemba, I am an employee of the Economic and Financial Crimes Commission attached to the Operations Department. I know the Defendant. Sometime in 2012 the Guarantee Trust Bank Rangers Avenue, Enugu reported a case of stealing against the defendant. The

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Certified True Copy
MRS AMANO T. I.
ASST. CHIEF REGISTRAR
Sign: *[Signature]* Date: 11/9/12

HIGH COURT REGISTRY
THE
DATE 11/9/12
ENUGU

case was referred to Bank Fraud Team B for investigation. I was in that team. When the case was referred we arrested the accused person; obtained his statements and he admitted that he stole the total sum of N1,200,000.00 (one million two hundred thousand naira only) being deposits handed over to him by the customer of the Bank, Andy Young Aluminum. Instead of posting the whole deposit brought by the customer he posted two of the deposits on the first day and stole the sum of N450,300.00, a third deposit. On another day the same depositor brought three deposits of N900,000, N900,000.00 and N750,000.00 respectively. The accused posted the two N900,000.00 deposits and stole the third deposit of N750,000.00. After this we tidied up our file and sent it to the Legal Department for further action. The accused has paid back the sum of N1,131,000.00 out of N1,200,000 stolen. That is all. I have in court the statement of the accused under caution, and the various payments made by the accused in liquidation of the sum. Seeks to tender. Defence – No objection. The accused made statements on 23/10/2012; 24/10/12, 24/10/2012, 30/10/2012, 31/10/2012, 2/11/2012 and 4th November 2012. Seeks to tender. Defence – No objection.

Court: Exhibits A – A1 – A6 according to their dates.

Repayments made on 5/11/2012, 28/1/2013 and 28/1/2013 – Exhibits B – B1 – B2
Petition against the accused dated 23/10/12 - Exhibit C. Application for the collection of Monetary Exhibit Recovered from Ovie Israel dated 15/2/2013 – Exhibit D.

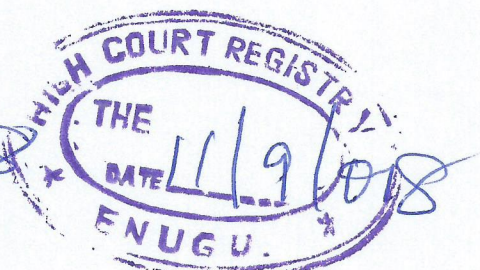
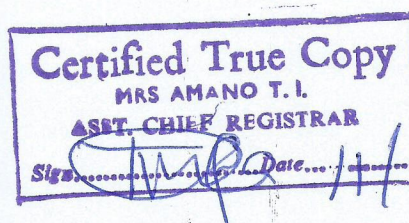
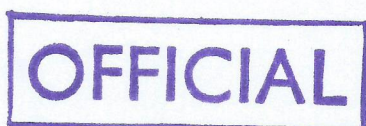
Statement of Account of Andy Yong Aluminum Ltd - Exhibit E.

Prosecutor applies that the accused/defendant be convicted accordingly.

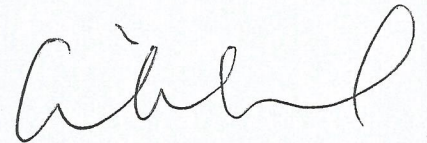
Court: The defendant is found guilty of the offence of stealing contrary to S. 353(h)(iii) of the Criminal Code of Enugu State of Nigeria 2004 in line with his plea and the facts stated.

Allocutus: Defence counsel pleads with the Court to temper justice with mercy. He is a first offender. He is the only surviving son of his late parents, no cousins or sisters. He was arrested and detained in 2012. The punishment for the offence is 7 years imprisonment with no minimum term of imprisonment. Convict is remorseful and has repaid the nominal complainant. He is now a pastor. The ultimate status of "ex convict" will follow the defendant all his life. The defendant was in custody with the EFCC for three months. Counsel urges that justice be tempered with mercy.

Sentence: I agree that the object of criminal justice is correction of criminal behavior. But it also has the object of retribution, i.e. penal punishment of the offender for the offence committed and also to serve as deterrence to others. The circumstances

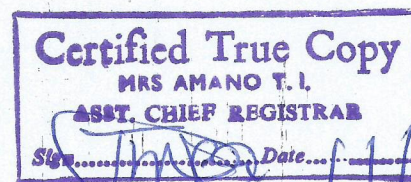
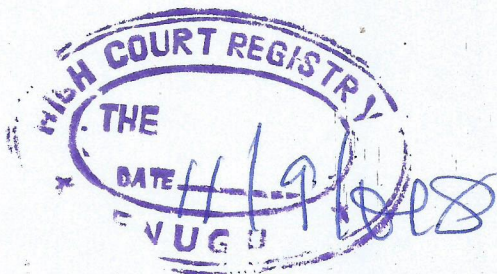


surrounding the commission of the offence alleged by the defendant makes it quite grievous and deserving of every condemnation. The defendant was a staff of a Bank whose services and officers ought to be viewed and held with the utmost confidence by the public. However, offence was reported in 2012 and the defendant arrested in October 2012. Defendant immediately started making repayments in November 2012; and January 2013 by which time he had repaid the total sum of N1,131,000.00. He also confessed to the offence. These are extenuating circumstances. The defendant is said to now to be a pastor. I leave him now to be judged by his creator. The defendant is cautioned and discharged.



C.I. Nwobodo
(Judge)
18/3/15

Certification — #200
Impe 11/9/2018



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