

**THE FEDERAL HIGH COURT OF NIGERIA
IN THE AWKA JUDICIAL DIVISION
HOLDEN AT AWKA
ON THURSDAY THE 19TH DAY OF APRIL 2018
BEFORE THE HON. JUSTICE I.B. GAFAI
JUDGE**

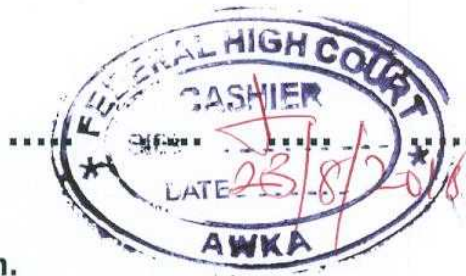
CHARGE NO: FHC/AWK/39^C/17

BETWEEN

FEDERAL REPUBLIC OF NIGERIA COMPLAINANT

AND

NDUBUISI NWAFOR



ACCUSED

Accused In Court.
P.G. Eshua for the Prosecution.

JUDGEMENT

The Accused herein namely Ndubuisi Nwafor was arraigned in this Court on the 16th of May 2017 on a one count charge thus:

"That you NDUBUISI NWAFOR, male, Adult, 25 years on or about the 13th day of April, 2017 at Abuja Park, Upper Iweka, Onitsha, Anambra State within the Jurisdiction of this Honourable Court without lawful authority knowingly



Vincent Eyang Eya
SCJ (Lit)

possessed 190grammes of Cannabis Sativa, a narcotic drug and thereby committed an offence contrary to and punishable under section 19 of the National Drug Law Enforcement Agency Act Cap N30 Laws of the Federation of Nigeria, 2004."

The charge was read to him in English which he understood to the satisfaction of the Court. He pleaded guilty to the charge. The learned prosecuting counsel thus asked for an adjournment to enable him assemble the evidences against the Accused for the purpose of reviewing his case. The case was accordingly so adjourned. Sadly, since then, it has been a story of adjournments until yesterday when the Prosecution finally reviewed the facts of its case. In so doing, the Prosecution tendered in evidence:

- i. 185grammes of Cannabis Sativa recovered from the Accused;
- ii. 5grammes of the analyzed Cannabis Sativa;
- iii. Certificate of Test Analysis;
- iv. Packing of Substance Form;
- v. Request for Scientific Aid Form;



- vi. Drug Analysis Report; and
- vii. A Statement made by the Accused.

These were admitted in evidence and marked in the order listed by the Prosecution as exhibits "1", "1A", "2", "2A", "2B", "3" and "4" respectively. The learned prosecuting counsel urged the Court to convict the Accused as per the charge and the evidence and closed his case.

I have carefully read and examined the charge. I have not found anything legally objectionable to it. I have further considered the plea of the Accused to the charge. I am satisfied that his plea is a direct, positive and fully intended admission of the offence charged. I have also carefully examined and considered the evidences adduced by the Prosecution in the exhibits admitted in the case. I have not found any inadmissible feature on any nor found any inconsistency or contradiction between them. In particular, I find the plea of the Accused consistent with the charge and the



evidences adduced. I have not found any doubt in the guilt of the Accused on the charge. Consequently, the Accused is hereby convicted as charged.

(Signed)
I.B. GAFAI
JUDGE
19/4/18

Court: Any records of previous conviction on the convict?

Prosecution: There is none.

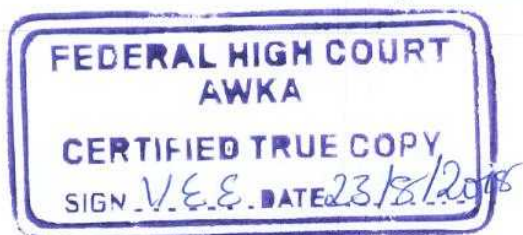
Court: Any allocutus?

Convict: I will not do it again. I want the Court to temper justice with mercy. That is all.

Court:

SENTENCE

I have listened to the plea for mercy as made directly by the convict. I have also considered the prevalence and effect of the offence for which he has been convicted. I have also further considered the provisions of the Act under which he



was prosecuted and convicted. I am satisfied that the provisions therein contained do not tie the hands of the Court in awarding a lesser sentence than that prescribed therein in deserving cases. In view of exhibit "4" which is the Statement of the Accused in which he detailed the rather pathetic circumstances that saw him in to the offence at hand, I am persuaded to temper justice with mercy as sought by the convict; only in the hope that the convict may turn a new leaf.

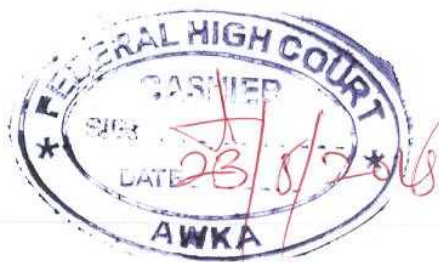
Consequently, I sentence you Ndubuisi Nwafor to a term of two (2) years imprisonment with effect from the date of arrest over this case with an option of a fine of N30, 000.

Exhibit "1" be destroyed by the Prosecution in accordance with the NDLEA Act after 90 days from today.

(Signed)
I.B. GAFAI
JUDGE
19/04/18



Vincent Ejong Esq
SED (Lit)



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