

2017 and punishable under Section 294 of the same law, read and explained to the defendant by the court.

Do you understand the charge of criminal misappropriation punishable under Section 294 of the Penal Code Law of Kaduna State, 2017 as read and explained by this court?

Defendant: I understand.

Court: Are you guilty of the said amended charge of criminal misappropriation punishable under Section 294 of the penal code law of Kaduna State, 2017 or not guilty?

Defendant: I am guilty.

Signed 13/5/19
Judge.

Yusuf: In view of the plea of the defendant before this court which is a plea of guilty, we have filed a plea bargain agreement dated the 30/4/19 but filed on 2/5/19. Before adopting same, we apply orally to amend the section of the law with which the defendant is being charged as contained in the 2nd paragraph of the plea bargain agreement to read Section 293, and the offence therein to read criminal misappropriation instead of Section 270 the offence of theft.

Court: Any objection?

Garba: No objection.

Court: The above oral application as made by the counsel to the defendant to amend the section of the law and the offence as reflected in paragraphs 2 of the plea bargain agreement dated the 30/4/19 but filed on the 2/5/19 is granted as prayed. The

said paragraph 2 of the plea bargain agreement duly signed by the parties dated the 30/4/19 but filed on the 2/5/19 is now amended to read Section 293 of the penal code law of Kaduna State, 2017 instead of Section 270 as stated in therein and the offence therein is also amended to read criminal misappropriation to reflect the amended charge for which the defendant has pleaded guilty to.

Signed 13/5/19
Judge.

Yusuf: In view of the above amendment, I apply to adopt the amended plea bargain agreement before court in this case.

Garba: We have also considered the plea bargain agreement dated the 30/4/19 but filed on the 2/5/19. We also adopt same as our plea bargain agreement before this court in this case.

Base on the said plea bargain agreement adopted before this court, we humbly urged that the defendant be convicted as per the plea bargain agreement and to be sentenced accordingly.

We also apply that the landed property lying and situate ate Unguwar Mu'azu Kaduna in Kaduna Metropolis worth ₦3million Naira recovered by the prosecution and is yet to be handed over to the victim, I apply that same be handed over to the victim as restitution.

I also apply that the sum of ₦1.5 million that is to be refunded by the defendant back to the victim within the period of one year from today to be paid to the victim (Jaiz Bank Plc) as restitution failure of which the defendant shall be in prison. We urged the court to so convict the defendant and to sentence him accordingly in line with the terms of the plea bargain agreement.

Yusuf: Having entered into the plea bargain agreement in utmost good faith we shall not be objecting to the application as made by the prosecution in the interest of justice.

**Signed 13/5/19
Judge.**

JUDGEMENT

The Defendant Alfa Ibrahim has pleaded guilty to an amended charge of criminal misappropriation of the sum of ₦33,810,000 (hirty three million, Eight Hundred and Ten thousand Naira) property of Jaiz Bank Plc without its consent being its Automated Teller Machine (ATM) Officer contrary to Section 293 of the Penal Code Law of Kaduna State, 2017 and punishable under the section 294 of the same law.

The defendant has taken advantage of the plea bargain provided for under Section 282 of the Administration of Criminal Justice Law of Kaduna State, 2017 with the prosecution and have **consequently** filed a plea bargain agreement dated on the 30/4/19 but filed on the 2/5/19 and duly signed by the defendant and his counsel, the prosecution and the victim.

The learned counsel for the defendant as well as the learned counsel for the prosecution have both adopted the said adopted plea bargain agreement dated the 30/4/19 and filed on the 2/5/19 before the court and have both urged the court to convict the defendant and to sentence him accordingly in line with the terms of the plea bargain agreement.

The learned counsel for the defendant has confirmed to the court that the defendant entered into the plea bargain agreement in utmost good faith, and did so voluntarily.

The learned counsel for the prosecution has applied pursuant to the plea bargain agreement adopted by the parties before this court, that the landed property lying and situate at Unguwar Mu'azu Kaduna Metropolis worth the sum of ₦3 million recovered by the prosecution from the defendant and is yet to be handed over to the victim be directed by the court be so handed over to the victim (Jaiz Bank Plc) as restitution.

Furthermore, the prosecution has applied that the sum of ₦1.3 million Naira to be refunded by the defendant back to the victim (Jaiz Bank Plc) within a period of one year from today be so paid to the victim as restitution, and that failure of which the defendant shall be sentenced to prison term.

Accordingly, pursuant to the plea of guilty as made by the defendant to the amended charge of criminal misappropriation contrary to Section 293 of the Penal Code Law of Kaduna State, 2017 and punishable under Section 294 of the same law, and most importantly pursuant to the plea bargain agreement dated the 30/4/19 and filed on 2/5/19 and duly signed by the defendant and his counsel, the prosecution and the victim (Jaiz Bank Plc) as adopted by the parties before this court, the defendant here namely Alfa Ibrahim is hereby convicted of the said offence of criminal misappropriation contrary to Section 293 of the Penal Code Law of Kaduna State, and punishable under Section 294 of the same law.

Signed 13/5/19

Judge.

Court: You understand the conviction?

Convict: I understand.

SENTENCE

I have carefully considered the terms of the plea bargain agreement dated 30/4/19 but filed on 2/5/19 and duly signed by the parties including the victim pursuant to paragraphs 5 of the terms of the plea bargain agreement, the convict here namely Alfa Ibrahim is hereby sentenced to pay a fine of ₦300,000 or go to prison for 4 months.

Furthermore, the landed property situate at Unguwar Mu'azu in Kaduna Metropolis worth ₦3million recovered by the prosecution from the defendant now convict is hereby directed to be handed over to the victim(Jaiz Bank Plc) as restitution.

Furthermore pursuant to paragraph 4 of the terms of the plea bargain agreement, the convict shall further refund the balance sum of ₦1.5 million to the victim (Jaiz Bank Plc) within one year with effect from today and failure to do so within the said one year from today, shall go to prison for a term of one year.

Signed 13/5/19
Judge.

Garba: We are grateful for the judgement.

Yusuf: We are most obliged for the Judgement.

Signed 13/5/19
Judge.