

IN THE HIGH COURT OF JUSTICE OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT COURT 11 KADUNA
DELIVERED THIS 16th DAY OF JULY, 2019

BEFORE THE HONOURABLE JUSTICE D.H. KHOBO—JUDGE

KDH/KAD/EFCC/44/19

BETWEEN

FEDERAL REPUBLIC OF NIGERIACOMPLAINANT

VS

ELIMAN JOHNDEFENDANT

The Defendant in Court S/E
D. Adamu-Eteh Esq. with E.K. Garba Esq. and
M.E. Eimonye Esq. for the Prosecution
Chris Ubogu Esq. for the Defendant

JUDGEMENT

The defendant in this case namely Eliman John is arraigned before this court on an amended charge in respect of an offence contrary to Section 57 of the Penal Code Law of Kaduna State 2017 and punishable under Section 309 of the same law pursuant to a plea bargain Agreement reached pursuant to Section 283 of the Criminal Justice Law of Kaduna State 2017 and dated the 15/7/19 as duly signed by the parties and filed before this court.

When the amended charge was read and explained to the defendant by the court as required by law, the defendant pleaded guilty to the amended charge after having shown to have understood the amended charge.

The prosecution proceeded to tender the defendant's cautionary statement and copies of emails sent by the defendant to unsuspecting

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victims from the bar which were not objected to by the defendant's counsel and same were admitted as Exhibits 1 and 2 respectively.

The learned counsel for the prosecution has applied pursuant to the terms of the plea bargain filed by the parties before this court dated 15/7/19 and the plea of guilty as made by the defendant as well as Exhibits 1 and 2 tendered in this case, that the defendant be convicted of the said offence as contained in the amended charge accordingly.

It is worthy of note here that the counsel to the defendant Mr. Ubogu Esq has also conceded to the prosecution's application above that the defendant be so convicted pursuant to the terms of the plea bargain Agreement for the offence in the amended charge.

Accordingly, pursuant to the unequivocal plea of guilty as made by the defendant to the offence as contained in the amended charge which is contrary to Section 57 of the penal code law of Kaduna State 2017 and punishable under the Section 309 of the same law, furthermore pursuant to the terms of the plea bargain Agreement dated the 15/7/19 and signed by all the parties thereto and as filed before this court as well as a careful perusal of Exhibits 1 and 2 which are the defendant's cautionary statement to the EFCC and copies of email sent by the defendant to various unsuspecting victims leading to this offence, the defendant here namely ELIMAN JOHN is hereby accordingly convicted for an attempt to commit an offence contrary to section 57 of the penal code law of kaduna state 2017 and punishable under section 309 of the same law.

**Signed 16/7/19
Judge.**

Court: Do you understand the conviction?

Convict: I understand

Court: Any Allocutus?

Ubogu In sentencing the convict we urge my lord to take cognizance of paragraph 3 of the terms of the plea bargain agreement, where both the prosecution

I have also taken into account the terms of the plea bargain agreement duly signed by the parties dated and filed on the 15/7/19 before this court. I have considered the passionate plea for leniency in sentencing the convict as made by Mr. Ubogu Esq. the counsel for the convict and the fact that the convict is a first time offender.

SENTENCE

Signed 16/7/19
Judge.

We have no record of previous conviction of the convict. The terms of the plea bargain Agreement is before the court, we urge my lord to sentence the convict accordingly.

Adamu:

Court: Any record of conviction?

The convict is a first offender. I urge the court to be lenient in imposing the requisite fine on the convict. The convict as well as his friends are not based in Kaduna they came for a wedding of one of their friends.

In fact I am doing this matter pro bono in view of the involvement of Terry Ugbodun the defendant in case No. 4 on today's cause list. Terry Ugbodun is my wife's nephew and it was his mother who called me on phone from Benin crying that her son has been arrested in Kaduna.

The convict as well as his friends are not based in Kaduna they came for a wedding of one of their friends. I urged the court to note that the convict has not choosing to waste the time of the court, and has become very remorseful since the day of his arrest in the company of his friends. The court has a discretion in this matter in imposing the requisite fine on the convict, we urge the court to exercise its discretion in not imposing the maximum fine.

and the defendant as well as the defence counsel agree that the convict be given an option of fine.

Mention must also be made of the fact that the convict did not waste the precious time of the court but owned up to the charges against him by pleading guilty to same pursuant to the plea bargain agreement leading to his conviction by this court.

The essence of punishment in criminal justice is to serve as a corrective measure to the offender and a deterrent factor to people of like minds.

The convict is apparently a very young person with apparent bright future, but who got entangled by bad company that eventually corrupted his good characters leading to the offence charged and his subsequent arraignment and conviction by this court.

The convict I must say have shown a lot of remorse for his conduct leading to this offence and subsequent conviction. I only need to remind him that it is a wise saying that "Evil companion corrupt good manners".

It is hope that by this conviction and sentence, the convict have learned the required lesson that doing what he did leading to this conviction is an offence which will lead to his trial and conviction for same as is done in this case.

All said and done, pursuant to the terms of the plea bargain Agreement dated 15/7/19 and signed by the parties and filed before this court, particularly paragraphs 2 and 3 thereto, the convict here is sentenced to pay a fine of ₦120,000 and where he cannot pay such fine to go to prison for two (2) years.

Furthermore, the convict is hereby ordered to forfeit the electronic gadgets used in committing the said offence, and found in his possession to the Federal Government of Nigeria.

Signed 16/7/19
Judge.