

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/42/19

BETWEEN

FEDERAL REPUBLIC OF NIGERIACOMPLAINANT

VS

TERRY OGBUDU (A.K.A. PETER WELCH).....DEFENDANT

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

JUDGEMENT

The defendant here namely Terry Ogbudu was arraigned on an amended charge dated 15/7/19 in respect of an offence of cheating by impersonation contrary to Section 308 of the Kaduna State Penal Code Law, 2017 and punishable under Section 309 of the same law pursuant to a plea bargain Agreement made by the parties pursuant to Section 282 of the Kaduna State Administration of Criminal Justice Law, 2017. The said plea bargain agreement is dated the 15/7/19.

Accordingly, when the said one count amended charge was read to the defendant by the court, the defendant after having understood the charge pleaded guilty to the said charge.

The prosecution thereafter proceeded to tender from the bar the cautionary statement of the defendant to the EFCC as well as two computer printout documents from the gmail address of the defendant to

which no objection was raised by the defence counsel and they were admitted as Exhibit 1 and 2^{A&B} respectively. The learned counsel for the prosecution Mr. Garba Esq. has applied relying on the plea of guilty to the amended charge as made by the defendant, Exhibits 1 and 2^{A&B} respectively as well as the plea bargain agreement duly signed by the parties dated 15/7/19 and as filed before this court and has urged the court to convict and sentence the defendant on the offence in the amended charge accordingly.

It is worthy of note here that the learned counsel to the defendant Mr. Ubogu Esq. has also conceded to the above application of the prosecution that the defendant be convicted for the offence in the amended charge pursuant to the terms of the plea bargain Agreement dated the 15/7/19 and as signed by the parties and filed before the court.

Accordingly, pursuant to the unequivocal plea of guilty to the offence in the amended charge as made by the defendant after having understood same, and also after a careful perusal of Exhibits 1 and 2^{A&B} which are the cautionary statement of the defendant to the EFCC and the two volumes of computer printout documents from the gmail address of the defendant showing evidence of how the defendant has been defrauding unsuspecting victims leaves no doubt that the defendant indeed committed the offence in the amended charge.

Accordingly, pursuant to the plea bargain agreement duly signed by the defendant, his counsel and the counsel for the prosecution dated and filed on the 15/7/19 before this court, the defendant here namely TERRY OGBUDU is hereby convicted for the offence of cheating by impersonation contrary to Section 308 of the Kaduna State Penal Code Law, 2017 and punishable under Section 309 of the same law.

Signed 16/7/19
Judge.

Court: Do you understand the conviction?

Convict: Yes sir.

Court: Any allocutus?

Ubogu: I plea for leniency for the convict.
The convict is a young person who is a first offender.
He has also not wasted the time of the court by pleading guilty to the offence charged at the earliest opportunity. He has also undertake wholeheartedly and firmly too that he will never go back to such criminal activities.
We therefore urged the court to exercise your discretion in giving him the minimal fine to be paid in this case as oppose to a term of imprisonment.

Court: Any record of previous conviction?

Garba: We do not have record of previous conviction of the convict.

Signed 16/7/19
Judge.

SENTENCE

I have considered the passionately plea for leniency as made by the learned counsel representing the convict and the fact that the convict is a first time offender.

I have also taken into account the fact that the convict is a very young person who pleaded guilty to the amended charge at the earliest opportunity and thus never wasted the time of the court.

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

It is only hoped that as submitted by the counsel to the convict, that he has undertaken wholeheartedly not to go back to such criminal acts again after this conviction.

Similarly I have taken into account the terms of the plea bargain agreement duly signed by the parties and dated and filed on 15/7/19 before the court particularly paragraphs 2 and 3 thereto and hereby sentence the convict Terry Ogbudu to pay a fine of ₦150,000 only and where he cannot pay such fine to go to prison for two (2) years.

It is further ordered that the convict shall forfeit all the gadgets used in committing this offence and found in his possession to the Federal Government of Nigeria.

Signed 16/7/19

Judge.