

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/48/19

BETWEEN

FEDERAL REPUBLIC OF NIGERIA

.....COMPLAINANT

VS

SADIQ IDRIS (A.K.A. SERGEANT FIRST CLASS LOUIS JAMES).....DEFENDANT

The Defendant in Court S/E

Y.J. Matiyak Esq. for the Prosecution

Salihu Ahmed Esq. for the Defendant

JUDGEMENT

The Defendant here namely Sadiq Idris (aka Sergeant first class Louis James) was arraigned before this court on an amended charge in respect of an offence of cheating by impersonation contrary to Section 308 of the Penal Code Law of Kaduna State, 2017 and punishable under Section 308 of the same law, pursuant to a plea bargain agreement duly signed by the parties dated 12/7/19 and filed before this court.

When the amended charge was read and explained to the defendant by the court, the defendant said he understood the charge and pleaded guilty to the said charge.

The prosecution proceeded to tender from the bar the cautionary statements of the defendant to the EFCC dated 3rd and 4th July, 2019, computer printed out documents from the defendant's e-mail address

showing evidence that he had defrauded unsuspecting victims and certificate of identification in respect of the computer printed documents in compliance with Section 84 of the Evidence Act, to which no objection was raised by the counsel for the defendant, and these documents were admitted as Exhibits 1^{A&B}, 2 and 3 respectively. The learned counsel for the prosecution has applied relying on Exhibits 1—3 and the plea of guilty to the amended charge as made by the defendant pursuant to the plea bargain Agreement dated the 12/7/19 that the defendant be convicted for the offence in the amended charge.

It is noteworthy of note here that the learned counsel for the defendant Mr. Salihu Esq. has also conceded to the above application of the prosecution's counsel that the defendant be convicted for the offence in the amended charge based on his plea of guilty before the court and pursuant to the terms of the plea bargain duly signed by the parties dated 12/7/19 and filed before this court.

Accordingly, pursuant to the unequivocal plea of guilty to the offence as made by the defendant after he said that he understood the amended charge and after careful perusal of Exhibits 1^{A&B}, 2 and 3 respectively which are the cautionary statements of the defendant to the EFCC dated 3rd and 4th July, 2019, the computer print-out documents from the e-mail address of the defendant showing evidence that he has been defrauding unsuspecting victims and certificate of identification of these computer printout document in compliance with Section 84 of the Evidence Act leaves doubt in my mind that the defendant indeed committed the offence in the amended charge. Hence pursuant to the terms of the plea bargain agreement dated 12/7/19 and signed by the defendant, his counsel and the counsel for the prosecution and as filed before this court, the defendant here namely, Sadiq Idris is hereby convicted of the offence of cheating by impersonation contrary to Section 308 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 the conviction

Court: Any allocutus

Salihu: The convict is a first offender who pleaded guilty at the earliest opportunity without wasting the precious time of the court.
The early plea of guilty by the convict is a prove of remorsefulness and repentant.
The convict has also undergone counseling lessons while in the complainant's custody, and belief that he has attained the requisite reformation.
We feel he is fit and proper to be reintegrated into the society.
I urge the court to be lenient in imposing sentence on the convict.

Court: Any record of previous conviction?

Matiyak: None at the moment.

Signed 16/7/19
Judge

SENTENCE

I have considered the passionate plea for leniency as made by the counsel for the convict and the fact that the convict is a first time offender.
I have also taken into account the terms of the plea bargain Agreement dated the 12/7/19 and duly signed by the parties and filed before this court and which terms both the prosecution counsel and the counsel to the convict have urged this court to consider in imposing the sentence on the convict.

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.
It is correct that the convict pleaded guilty to the amended charge at the earliest opportunity and without wasting the precious time of the court.
It is hoped as submitted by the counsel to the convict that same is a sign of remorsefulness and regrets by the convict for what he did leading to this offence, trial and conviction.

The convict is a young man who appears to be blessed with productive intellect, but who decided to use such intellect negatively, thus leading to this offence and subsequent trial and conviction.

I urge the convict by this conviction to think and act positively in the future so as not to completely destroy his own future by his conduct which culminated into his trial and conviction in this case.

Accordingly, pursuant to the terms of the plea bargain Agreement duly signed by the parties dated 12/7/19 and filed before this court, particularly paragraphs 2 and 3 thereto, the convict here namely Sadiq Idris is hereby sentence to pay a fine of ₦150,000 only and where he cannot pay such fine to go to prison for one (1) year.

Furthermore, the convict is hereby ordered to forfeit all items recovered from him at the time of his arrest to the Federal Government of Nigeria.

Signed 16/7/19
Judge