

*IN THE HIGH COURT OF ENUGU STATE OF NIGERIA
IN THE HIGH COURT OF ENUGU JUDICIAL DIVISION
HOLDEN AT ENUGU
BEFORE HIS LORDSHIP HON. JUSTICE A.O. ONOVO - JUDGE
ON WEDNESDAY THE 18TH DAY OF APRIL, 2018.*

SUIT NO: E/63c/2018

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

OMOKARO OSAMUDIANMEN

Defendant present.

I.I. Mbachie Esq appears for the prosecution.

B.A. Kaka Esq appears for the defendant.

Case is for plea.

Charge read over to the defendant in English Language to the understanding of the defendant..

Plea – Guilty.

Pw1: Sworn on the Bible and states in English. My name Abduralman Baba Kano. I am Assistant Detective Superintendent of the E.F.C.C Enugu Zonal Office attached to Bank Fraud Section. I know the defendant. I am in court because of the charge. The E.F.C.C received a petition dated 9/2/2018 written and signed by Ifunanya Afam Okonkwo against the defendant. The petition alleged that the

defendant collected her one point five million naira for investment with a 10% return within four days of investment. After she paid the money all her effort to get to the defendant proved abortive as his phone number was not going through hence she petitioned the Commission. On receipt of the petition, the petitioner was invited. She reported and shed more light on the petition. She also volunteered a statement. Later Investigation activities were written and sent to Diamond Bank for the statement of account of the defendant and the Account opening packages. Response were received and analyzed. The defendant was arrested at Benin, Edo State. He volunteered a statement under caution and bail was granted him. His phone was sent to Forensic Department for analysis. At the conclusion of Investigation, I found out that the sum of ~~N~~1, 545,000.00 was paid into the defendant's account by the complainant in tranches of five hundred thousand on 3 occasions and ~~N~~45,000 once. When the evidence was shown to the defendant, he admitted the action with other members of his gang who are at large. This is the statement of the complainant.

Tendered without objection.

Court: Admitted and marked Exhibit 'A'.

Pw1: These are the statements of the defendants taken under word of caution.

Tendered without objection.

Court: The statements made by the defendant are admitted in evidence and marked Exhibits B to B3.

Pw1: This is the petition written to the EFCC.

Tendered without objection.

Court: Admitted and marked Exhibit 'C'.

Pw1: I wrote a Report of the Investigation Activities and received a response. These are the Report and Response.

Court: Admitted and marked Exhibits 'D' & 'D1'.

Pw1: There was an application by the defendant through his lawyer for plea bargain. The defendant has paid back the money involved. We entered a plea bargain and the document is filed in court. This is a copy.

Tendered without objection.

Court: Plea bargain admitted in evidence and marked Exhibit "E".

Cross examined by D.A.Kaka Esq - None

I.I. Mbachie Esq applies that the witness be discharged.

Court: witness is discharged.

I.I. Mbachie Esq urges court to convict the defendant and sentence him as contained in the plea bargain.

D.A. Kaka Esq urges court to act in accordance with the Plea bargain entered into by the parties.

JUDGMENT

The defendant is charged with cheating contrary to section 388 of the Criminal Code Cap 30 Laws of Enugu State of Nigeria, 2004 in that sometime in 2018 he by

means of fraudulent trick obtained the sum of ₦1,545,000.00 from one Ifunanya Afam Okonkwo. On the charge being read to him in English Language which he perfectly understood, he pleaded guilty to it.

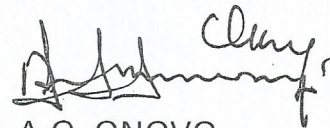
One witness Abdulrahman Baba Kano the Assistant Detective Superintendent of the EFCC to which a petition was written by the complainant and victim and who investigated the case, gave the facts of the case and tendered relevant documents.

This court is convinced that the defendant committed the offence alleged against him. He has paid back the money over which the complainant was made and has entered into a plea bargain with the Investigating/Prosecuting authority under section 367 (2), (3) & (4) of the Enugu State Administration of Enugu State Criminal Justice Law 2017.

I have looked at the Plea Bargain Agreement filed in court and later admitted as Exhibit 'E'. I am convinced it is the interest of the public.

The defendant having pleaded guilty to the charge is hereby convicted of the offence as charged.

In view of Exhibit 'E,' he is hereby sentenced to one month imprisonment. The term of imprisonment shall run from the date of his arrest which is 9th day of February, 2018.



A.O. ONOVO
JUDGE
18/4/18.