

**BEFORE THE HONOURABLE JUSTICE D.H. KHOBO—JUDGE**

FEDERAL REPUBLIC OF NIGERIA .....COMPLAINANT

AND

1. AMINU ISMAIL }  
2. MU'AZU SHEHU } .....DEFENDANTS  
3. FEMI ODEDELE }

The three Defendants in Court S/E

Ibrahim Garba Esq for the Prosecution.

A.D. Ahmed Esq. with A.O. Ali Esq. for the 1<sup>st</sup> & 2<sup>nd</sup> Plaintiffs

Y. Y. Kabantiok Esq. for the 3<sup>rd</sup> Defendant.

## JUDGMENT

The three defendants here namely Aminu Ismail, Muazu Shehu and Femi Odedele are arraigned on a two count amended charge pursuant to a plea bargain Agreement executed by the parties dated and filed on 23/9/19. The offences in the amended charges are:

1. Conspiracy under Section 59(2) and punishable under Section 294 of the Kaduna State Penal Code 2017 wherein sometimes in May 2018 or thereabout in Kaduna within the jurisdiction of this court agreed to an illegal act of to wit misappropriated the sum of ~~N~~488,000 from Account Number 412925012 belonging to one Amina Jibo from FCMB which act was done pursuant to that agreement, and



2. The defendants are also charged in count two of the amended charge to have sometime in May 2018 at Kaduna within the jurisdiction of this court dishonestly misappropriated the sum of ₦300,000 from Account No. 4127925012 belonging to same Amina Jibo from FCMB contrary to Section 293 and punishable under Section 294 of the Kaduna State Penal Code Law 2017.

The defendants having understood the two offences in the amended charge have all pleaded guilty to the said offences of criminal conspiracy and criminal misappropriation in the amended charge.

The learned counsel to the prosecution has applied pursuant to the unequivocal plea of guilty as made by the three defendants pursuant to the plea bargain Agreement executed by the parties dated and filed 23/9/19 to urge the court to accordingly convict the three defendants. Which application is conceded to by the respective counsel to the 3 defendants.

Accordingly pursuant to the plea of guilty as made by the three defendants to the amended charge of two counts of conspiracy contrary to Section 59(3) and punishable under Section 294 of the Kaduna State penal code Law, 2017 as well as the charge of criminal misappropriation contrary to Section 293 and punishable under Section 294 of the same law, the said three defendants namely (1) Aminu Ismail (2) Mu'azu Shehu (3) Femi Odedele are hereby accordingly convicted of the offences of criminal conspiracy and criminal misappropriation contrary to sections 59(2) and 293 of the kaduna state penal code law, 2017 and punishable under section 294 of the same law.

**Signed 18/12/19**  
**Judge**

Court to convicts: Do you understand the conviction?

1<sup>st</sup> convict: Yes I understand

2<sup>nd</sup> convict: Yes sir

3<sup>rd</sup> convict: Yes sir.

**Signed 18/12/19**  
**Judge**



Court: Any previous conviction?

Ahmed: None

Court: Any allocutus?

Ahmed: It is on record from the prosecution that the convicts are first offenders.

In addition, the sincerity and courage of the convicts resulted into this plea bargain is a clear demonstration of their utmost sense of sincerity of purpose and sense of remorse. We therefore urged my lord to consider all these and bring into play the provisions of paragraph 4 of the plea bargain Agreement vis-à-vis the provisions of Section 59 (2) and that of Section 294 of the penal code law of Kaduna State 2017 in giving the convict the minimum quantum of fine as provided therein to enable them to forge ahead in their respective lives. We so urged.

Kabantiok: I adopt the submission of my learned senior and for the 1<sup>st</sup> and 2<sup>nd</sup> convicts and wish to add that this court in the exercise of its power to sentence the convicts should in the interest of justice exercise its discretion in view of the convict honesty before the court.

Garba: We urged that court to sentence the convict in terms of the plea bargain Agreement executed by the parties dated 23/9/19.

**Signed 18/12/19**  
**Judge**

### **SENTENCE**

I have considered the plea for leniency as made by the respective counsel for the convicts and the fact that the convicts are all first time offenders. I have also taken into account the terms of the plea bargain duly executed between the convicts and the prosecution dated 23/9/19 particularly paragraph 4 thereto which provides thus; *"that instead of the term of imprisonment, the defendant shall be given an option of fine"*

It is this plea bargain executed by the parties dated 23/9/19 that gave birth to the amended charge dated 23/9/19 and to which the



defendants pleaded guilty to, and were duly convicted and thus leading to this sentence. This is the innovation introduced by the Administration of Criminal Justice Law 2017 of Kaduna State which the convicts took advantage of.

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 as stated by the respective counsel to the convicts that the convicts here have shown regrets for their actions and have returned the sum of N450,000 to the Nominal Complainant the subject of the offence of criminal misappropriation thus leading to this plea bargain procedure resulting the pleas bargain Agreement executed between the parties dated 23/9/29.

It is hoped that by this conviction the convict have learned their lesson that doing what they did leading to this trial is an offence that can lead to conviction as was done in this case, and would avoid same by all means.

Accordingly the three convicts here are hereby sentenced to pay a fine of N150,000 each and failure to pay such fine to go to prison for one year each.

**Signed 18/12/19**  
**Judge**