

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT JABI**

BEFORE HIS LORDSHIP : HON. JUSTICE .Y. HALILU  
COURT CLERKS : JANET O. ODAH & ORS  
COURT NUMBER : HIGH COURT NO. 32  
CASE NUMBER : CHARGE NO. CR/37/16  
DATE: : FRIDAY 15<sup>TH</sup> DECEMBER, 2017

**BETWEEN**

COMMISSIONER OF POLICE ..... COMPLAINANT  
AND  
AMAECHE ADIMEGWU ..... DEFENDANT

Defendant in Court.

C.E.C Njokwu - for the Defendant

Prosecution not in court and not represented.

Defendant's Counsel – the case is adjourned for  
Judgment and we are ready to take same

## **JUDGMENT**

By a charge filed on 25<sup>th</sup> November, 2016, the Defendant was arraigned by the Complainant herein for the offence of issuance of dud cheque contrary to section 1(b) of the Dishonoured Cheques (Offences) Act, Cap D11, laws of the Federation of Nigeria, 2004.

The Defendant pleaded “not guilty” to the offence and trial ensued with the Prosecution opening its case on 8<sup>th</sup> February, 2017 by calling two witnesses (PW1 – Ferguson Ukanacho, the nominal complainant; and Pw2, Cpl. Adah Helen with Force No. 045482, the investigating Police Officer.

The Defendant opened his case on 3<sup>rd</sup> May, 2017 wherein he testified for himself as DW1; he tendered one document marked as Exhibit “D1” and thereafter closed his case.

The case proceeded into hearing. The case of the prosecution is as thus;

The evidence before the Honourable Court began with that of PW1 who testified under oath on 8<sup>th</sup> February, 2017 and gave his name as Ferguson Ukanacho, an estate manager of the Defendant’s premises. He stated that the Defendant was in arrears of rent to the tune of Two Million, Eight Hundred Thousand Naira (N2,800,000.00) and that the Defendant appealed to him that he (the Defendant) has a cheque to give to offset the rent. That the Defendant gave him a guaranty Trust

Bank cheque of Two Million, Eight Hundred Thousand Naira (N2,800,000.00) dated 7<sup>th</sup> December, 2015 with an assurance that PW1 will have value on the said date. He also told the court that on the said 7<sup>th</sup> December, 2015, he was out of the country and therefore gave the said cheque to his staff to pay into his Zenith Bank account but the cheque was returned unpaid. He thereafter reached out to the Defendant and intimated the Defendant of the issue but the Defendant told him to be patient with him that he is expecting some funds from jobs he did.

PW1 further stated that the Defendant got money and bought a Mercedes C350, and for this reason, PW1 then reported the incident of dud cheque at the Maitama Police Station where the Defendant made an undertaking to offset the debt by 30<sup>th</sup> April, 2016, which he failed to do. It was after this that the police decided to charge the Defendant to court. The GTBank cheque dated 7<sup>th</sup> December, 2015 and PW1's statement at the police were tendered in court through PW1 as Exhibits "A" and "B" respectively.

PW1 was accordingly cross – examined as thus;

Qst.. When did you present the cheque for payment.

Ans.. My staff present the cheque on the 8<sup>th</sup> December, 2015.

Qst.. On the 7<sup>th</sup> December, 2015 Defendant asked you not to cash the cheque?

Ans.. I am not aware of that.

Qst.. Defendant told you he was expecting funds into his account.

Ans.. Yes that was in October, 2015 and that was why he gave me that posted dated cheques.

Qst.. It is true that Defendant has paid you N1Million out of the N2.8Million.

Ans.. He paid N1Million in June, 2016.

Qst.. From Exhibit "B" it took you three month to report the matter to the police.

Ans.. Yes.. it was because his undertaking to pay, he pleaded with me in tears that he does not want to be taking to the court.

The second prosecution witness – PW2 who testified under oath and gave her name as Cpl. Adah Helen with Force No. 045482, attached to Force Command, FCT, Abuja. She is the Investigating Police Officer (IPO) who investigated the matter. Her testimony, she stated that PW1 reported a case of cheating and issuance of dud cheque on 18<sup>th</sup> June, 2016 at Maitama Police Station. The Defendant was first invited and statements were obtained from both Pw1 and the Defendant under word of caution. She further testified that PW1 stated that a post dated cheque of 7<sup>th</sup> December, 2015 was issued by the Defendant who after his statement was released to a surety. That the Defendant put on an undertaking to pay PW1 but could not pay the money in line with undertaken hence, the case was charged to

court. Pw2 tendered Defendant's statement which was admitted and marked as Exhibit "C".

The 2<sup>nd</sup> Prosecution witness was accordingly gross – examined as thus;

Qst.. Did you investigated the facts stated therein in the statement just admitted as Exhibit "C"

Ans.. "Yes"

Qst.. Did you investigate the fact that Defendant asked nominal complainant not to present the said cheque.

Ans.. Defendant said at the police station that he issued the cheque and the fact that he told the nominal complainant not to present the cheque but that he had already presented it..

Qst.. Are you aware that Defendant has paid N1Million out of the said N2.8Million.

Ans.. Yes, there is a balance of N1.8Million.

Qst.. Defendant made an undertaking to pay the value of the cheque at the police station.

Ans.. Yes.

Qst.. You brought her to court because he did not meet up his obligation of paying back the money.

