

IN THE HIGH COURT OF LAGOS STATE
IN THE IKEJA JUDICIAL DIVISION
HOLDING AT COURT NO.10, SPECIAL OFFENCES COURT 1
BEFORE HON. JUSTICE M. A. DADA (MRS.)
TODAY THURSDAY THE 6TH DAY OF AUGUST, 2020.

SUIT NO: ID/9995C/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA

AND

ALHAJI GBADAMASI SIKIRU OLAREWAJU

.... COMPLAINANT

.... DEFENDANT

JUDGMENT

The Defendant was arraigned on 2 Counts Information dated 7th August, 2019 for Obtaining money by false pretence contrary to Section 1 (1) (a) and (3) of the Advance Fee Fraud and Other Fraud Related Offences Act No. 14 of 2006 on the 1st Count and Stealing contrary to Section 390 of the Criminal Law, Cap C17 Vol. 2 Laws of Lagos State of Nigeria 2003 on the 2nd Count.

The Defendant pleaded Not Guilty to the 2 Counts on 17th September, 2019 and the Prosecution called 2 witnesses and tendered 5 Exhibits.

PWI was one John Stevens Akpan. He testified that around November 2010, one Balogun approached him that there was a Filling Station that was being put on Lease at Isheri Road, Ikeja Lagos. An appointment was fixed between him and the Defendant at the Filling Station. He stated that he assessed the Filling Station and liked it. The Lease Agreement was N2M per year for 10 years which amounted to N20M. That Same November, he raised a draft of N19.5M and gave the Defendant a cash of N1.5M. They then agreed that he would take over the Filling Station by 1/01/2011. But the Defendant pleaded for him to wait till February 2011 before taking over the Filling Station and later pushed it to April, 2011. In April, he pleaded for more time giving excuses upon excuses. After he reported the Defendant to the Police and due to pressure, he was able to repay N7.5M and later in 2013 he paid N2M, totaling N9.5M. That one day, while driving past the Filling Station at Isheri and he saw that renovation was being carried out. When he drove into the Filling Station, he asked the Security guard who told him the Station had been sold. This was in 2015 and he was availed the phone number of the

CERTIFIED TRUE COPY

new owner and the direction to him. When he saw the buyer, he told him he bought the Station for N387M and that from that day, the Defendant refused to pick his calls which led to the Petition to EFCC and this case. (The said Petition is Exhibit P1).

Under cross examination, he admitted that the case was adjudicated in a Civil Court of the Lagos High Court which adjudged that the Defendant should pay 10 percent of the Judgment sum of N11.5M from the date of Filing. He said he was not aware that it was pending at the Court of Appeal and that the Defendant had paid back N9.5M.

PW2, was David Olusina Jaiyeoba, an Operative of the EFCC. He gave evidence of the investigation carried out in the case after the receipt of Exhibit P1. He tendered the GTB Accounts of PW1 and the Defendant with their attachments and the 2 Bank Drafts raised by PW1 in favour of the Defendant totaling N19.5M cleared in 2 separate GTB Accounts belonging to the Defendant. He tendered also the Defendant's extra Judicial statements and his Statement of Account with Access Bank and all became Exhibit P2-P8 respectively. He further testified that the Defendant confessed that the Filling Station had been sold in 2013 and that he invested the money in his business.

In his cross examination, he testified that the Defendant mentioned the pending Appeal with respect to a Judgment against but supplied no document to confirm the amount adjudged against him. He stated that N158M was received into the Defendant's Access Bank Account while the Defendant stated that N65M was transferred into his Company Account. He concluded that what was being investigated was the refusal of the Defendant to refund the N20M PW1 paid for the Lease of the Petrol Station.

The Prosecution closed its case on 29/01/2020 and the case was adjourned for the defence but the defence counsel stalled further hearing by his absence in Court twice thereafter and an Application which was eventually abandoned when he approached the Prosecution for a Plea Bargain Agreement dated 27th July, 2020 but filed on 5th August, 2020.

This has necessitated the filing of an Amended Information dated 4th August, 2020 of 1 Count of Stealing to which the Defendant has now pleaded guilty.

The Defendant having pleaded Guilty is hereby convicted as charged.

It is agreed that a term of 2 years imprisonment be imposed on the Defendant upon conviction to run from the date of his formal arraignment. It is further agreed that the Defendant had paid the sum of N12M to the Nominal Complainant as restitution and that the Defendant has pledged his property at 9, Lawal Mohammed Street, Alimosho Local Government, Lagos State covered by Survey Plan No. SJA/055/93L/ drawn by S.

CERTIFIED TRUE COPY

Anthony, a licensed Surveyor as payment in the sum of N8,000,000.00 (Eight Million Naira) as final restitution to the Nominal Complainant.

The Defendant is accordingly sentenced to 2 years imprisonment commencing from 17th September, 2019 with the foregoing restitutions as part of the sentence of this court as agreed. The Defendant is however granted an option of a fine of One Million Naira in lieu of his prison term in view of his change of plea though same could have been done earlier than wasting the precious time of the court.

This is the Judgment of the court.

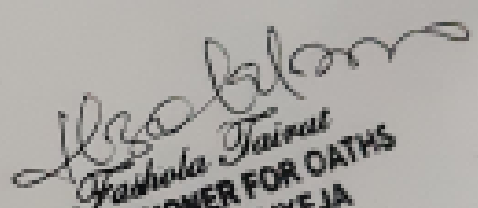


HON. JUSTICE M. A. DADA (MRS.)
JUDGE
(06/08/2020)

Defendant Present.

M. K. Hussein for the Prosecution.

Ademola Akerele for the Defendant.



FAITHFUL TRAINOR
COMMISSIONER FOR OATHS
HIGH COURT IBEJA

CERTIFIED TRUE COPY