

IN THE CHIEF MAGISTRATE COURT OF JIGAWA STATE  
IN THE JIGAWA STATE MAGISTERIAL DISTRICT  
TODAY 21<sup>ST</sup> DAY OF JULY, 2022

BEFORE HIS WORSHIP: NURADDEEN UMAR SHEF ESQ.  
CHIEF MAGISTRATE GRAD  
HOLDEN AT CMC I DUTSE

SUIT NO. CR/ 2022

BETWEEN:

COMMISSIONER OF POLICE.....COMPLAINANT

VS

ABBA HARUNA.....DEFENDANT

OFFENCE: *CRIMINAL BREACH OF TRUST, MISCHIEF & THEFT.*

Defendant in court & Speaks Hausa.

A.S.P. Umar Bature prosecuting.

M. Musa for the Defendants.

Court: Contents of the FIR to be read, explained and interpret to  
the Defendants for their plea under Section 123(7) ACJL of  
Jigawa State.

Plea: I understand contents of the FIR and it is true as contained  
therein.

Pros: The Defendant voluntarily admitted the contents of the FIR.  
We however intend to proceed for full trial. Police are yet to  
complete their investigation so we ask for date for mention.

ARBAI S...  
NEG...  
25/7/22

Court:

Case adjourned to 10/8/2022 for mention. The Defendant to be remanded in custody of Correctional Facility, Dutse.

Signed

Chief Magistrate I

21/07/2022

### Resumed

Defendant in court, unrepresented.

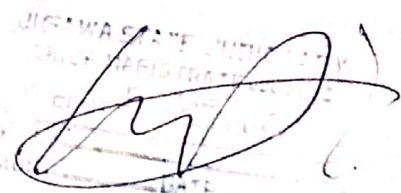
\*A.S.P. Umaru Bature prosecuting:

Nafi'u Umar for the Registry.

Pros: The case is for hearing so subject to convenience of the court we are ready to proceed.

Court: You may proceed.

PW1: Usaini Wanzam Iiyasu, Kanuke village, Kiyawa, 53 years old, Hausa by tribe, Muslim, affirmed. I know the Defendant in relation to this case and can remember on the slated date and time, in the morning the Defendant came along with someone on a motorcycle and requested to see the Ward Head and then they were informed that he was not around, they requested to see the custodian of our mosque in the village where they informed us that they were there on inspection about 15 times for the purpose of renovation and enlargement of the mosque. We became very happy



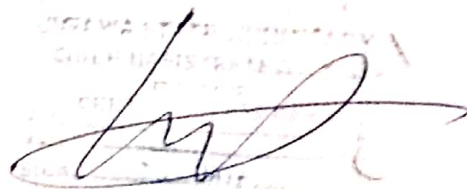
with the development and while there, a lorry loaded with sand and another with blocks arrived the place and we became elated again. Work earnestly began with removal of electric fittings, removal of roofings of the mosque and removal of trees surrounding the mosque. Various structures used by some of our people were demolished too in order to expand the perimeter of the mosque, all of which were loaded on a vehicle, including doors and windows. The next day the Defendant went back to the vicinity and caused foundation to be dug by labourers, none of which was paid for labour. One certain Friday, the Defendant came along with one big man in a car and we were all gathered by him and asked to express our gratitude to the driver of the vehicle the Defendant came along with, which we did. They left together and we heard nothing from him until his arrest at Katika village. That is all I know.

Pros: That is all for PW1.

Court-Deft: Do you have question for PW1?

Defendant: I have no question.

Court: PW1 hereby discharged you may call your next witness.

A handwritten signature in black ink, appearing to be 'LSD', is written over a faint, illegible stamp or form.

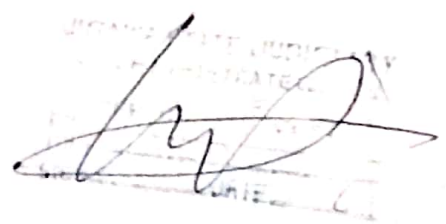
PW2:

Ubale Sulaiman, Male, Muslim, Adult, Hausa by tribe, farmer and Civil Servant, affirmed. I can identify the Defendant and can remember on the fateful date, that the Defendant came to Katuka village at Kiyawa L.G.A. and met the custodian in the mosque we normally pray, which is situated by the road side with a driver and requested to see the Ward Head as they have been assigned to renovate the mosque together with his boss. After he has started to assemble labourers to dismantle the fittings in the mosque, I asked him to stop because I had information about what happened at Kanuke village where same procedure was adopted and the culprits were never arrested. When we discovered his suspicious motive, we reported the matter to the police at Kiyawa Police Station where he revealed the fact that he was the one at Kanuke consequent upon which I placed a call to PW1 who properly arrived the place and identified the Defendant. Finally he was not able to take away anything from our mosque. That is all I know.

Pros: That is all for PW2.

Court-Deft: Do you have question for PW2?

Defendant: I have no question as all he stated is the truth.

A handwritten signature in black ink is written over a rectangular stamp. The stamp contains some faint, illegible text, possibly a date or official designation. The signature is a cursive, stylized name.

Pros: We apply to discharge PW2 as a witness.

Court: PW2 hereby discharged.

PW3: Hamisu Ya'u, male. Muslim, 45 years, resident in Tsallakawa quarters, Kiyawa, affirmed. I can remember the Defendant on the fateful date and time called me on phone and requested to buy blocks and took me to the site where the blocks and the sand will be taken to and after we agreed on price 325 blocks were taken to Kanuke village and a tipper of sand all of which were valued at ₦90,500 only which I took to the site and requested me to give him my account number, which I did. The next day he requested me to supply more blocks and sand but I refused since he was not able to pay me for those supplied. Later a good Samaritan came and paid the amount of goods supplied by me. That is all I know.

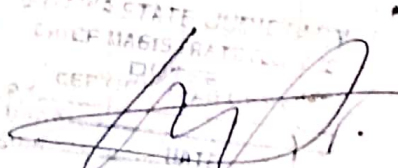
Defendant: I have no question for PW3.

Court: PW3 hereby discharged.

Pros: That is all for today so we ask for adjournment to enable our next witness appear to testify.

Court: Case adjourned to 20/9/2022 for continuation of hearing.  
Defendant to be remanded further in custody.

STATE OF KADUNA  
CHIEF MAGISTRATE  
DUTY  
RECEIVED  
DATE



Pros:

We apply to discharge PW2 as a witness.

Court:

PW2 hereby discharged.

PW3:

Hamisu Ya'u, male, Muslim, 45 years, resident in Tsallakawa quarters, Kiyawa, affirmed. I can remember the Defendant on the fateful date and time called me on phone and requested to buy blocks and took me to the site where the blocks and the sand will be taken to and after we agreed on price 325 blocks were taken to Kanuke village and a tipper of sand all of which were valued at N90,500 only which I took to the site and requested me to give him my account number, which I did. The next day he requested me to supply more blocks and sand but I refused since he was not able to pay me for those supplied. Later a good Samaritan came and paid the amount of goods supplied by me. That is all I know.

Defendant:

I have no question for PW3.

Court:

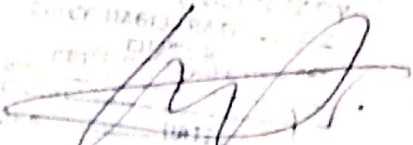
PW3 hereby discharged.

Pros:

That is all for today so we ask for adjournment to enable our next witness appear to testify.

Court:

Case adjourned to 20/9/2022 for continuation of hearing.  
Defendant to be remanded further in custody.

DEPARTMENT OF STATE  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF NIGERIA  


Signed  
Chief Magistrate I  
15/09/2022

Resumed

Defendants in court, Speaks Hausa.

Det. I Adamu prosecuting.

Abba Sabo for the Registry.

Pros: The case is for continuation of hearing, unfortunately the IPO who is to testify is not in court today so we ask for an adjournment.

Court: Case adjourned to 11/10/2022 for continuation of hearing  
Defendant to be remanded further in custody.

Signed  
Chief Magistrate I  
26/09/2022

03/11/2022

Defendants in court, Speaks Hausa.

ASP. Umar Bature prosecuting.

Nafi'u Umar for Registry.

Pros: The case is for continuation of hearing. We are ready subject to convenience of the court and the defence.

Court: You may proceed with your witness.

LAGOS STATE JUDICIAL SERVICE  
CHIEF MAGISTRATE I  
[Signature]  
DATE: \_\_\_\_\_

PW4:

Ziya'ul-haq Nasiru, male, Muslim, resident in Gujungu town, 26 years old, businessman, Hausa, affirmed. I know the Defendant in this case. I engage in sell of cement and close to me is a block industry so on the fateful date, the Defendant went into the block industry and offered to buy blocks and stones used in building. The Defendant requested to know the price of one truck load of stones and I informed him it is sold at ₦40,000 and he agreed to buy at that rate but we couldn't get the required vehicle to carry the goods. On Sunday, we had to look for a smaller truck which we eventually sold to him at the rate of ₦14,000 per truck and the Defendant claimed to be a contractor engaged in construction and he made us supply sand to him worth ₦170,400 as cost of cement supplied and we agreed that on the site, all items removed will be sold to me and then we do the balancing.

That is all I know.

Pros: That is all for PW4 so we apply to discharge him as a witness.

Court-Deft: Do you have question for PW4?

Defendant: I have no question.

Pros: We apply to discharge him as a witness.

STATE OF NIGERIA  
CHIEF JUSTICE  
BY: [Signature]  
[Signature]



Court: PW4 hereby discharged.

Pros: We apply to adjourned the matter to 16/11/2022.

Court: Case adjourned to 16/11/2022 for continuation of hearing.  
The Defendant to be further remanded.

Signed  
Chief Magistrate I  
03/11/2022

05/12/2022

Defendants in court, unrepresented.

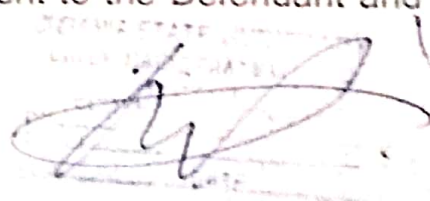
B. Adam for prosecution.

Nafi'u Umar for the Registry.

Pros: The case is for continuation of hearing. We are ready  
subject to convenience of the court and the defence.

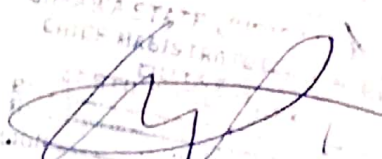
Court: You may proceed.

PW5: Inspector Asimiya Ezekiel, attached to SCID, 43 years old,  
Male, Margi by tribe, affirmed. I know the Defendant in  
relation to this case and can remember on the fateful date  
and time, been 1/7/2022, a case was brought via a transfer  
from Kiyawa Division and I, was detailed to investigate. I  
recorded statement of the Defendant under words of  
caution in Hausa Language where he agreed to give same  
voluntarily. I read over the statement to the Defendant and



he signed or made his marks which I counter signed as the recorder. I took the Defendant to SP Waziri Hamisu where the statement was read over to him and he agreed that it represented what he stated to me. The said offered endorsed the statement. The Defendant admitted the offences at different times and places within Jigawa State and presented himself to the community as a contractor engaged to rebuild various mosques, based on which the community allowed him to dismantle the fittings and demolish the said mosques. The Defendant usually brings sand, blocks and other materials only for him to leave and go to another community. All the demolished places were visited and even those he collected material from them, he has not paid them back. I can identify the statement of the Defendant through my handwriting, name of the Defendant and my signature therein. All the places we visited, we made a photo of the place which I can identify through the exhibit marks on them.

Pros: In view of the identification by the IPO of the statement of the Defendant and the photograph, we hereby apply to tender same in evidence.

JIGAWA STATE  
CHIEF REGISTRAR  


Court:

In the absence of objection by the Defendant, the statement and the 25 photos are hereby admitted in evidence and marked as Exhibit B1 – B25 for the photos.

Pros:

That is all for the witness.

Court-Deft:

Do you have questions for PW5?

Defendant:

I have no question.

Pros:

In the circumstance we apply to discharge the witness and we ask for date for ruling.

Court:

Case adjourned to 12/12/2022 for ruling. PW5 hereby discharged. Bail is hereby granted the Defendant in the sum of ₦1,000,000 to 2 reasonable sureties, one of whom must be related by blood to the Defendant and the other a very reasonable person within the area the Defendant residence. Both sureties to deposit sufficient means of identification to Registry of the court.

Signed

Chief Magistrate I

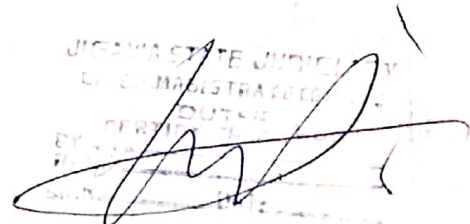
03/11/2022

14/12/2022

Defendants in court, Speaks Hausa.

B. Adam prosecuting.

Nafi'u Umar for the Registry.

JIGAWA STATE JUDICIAL  
CHIEF MAGISTRATE I  
BY 

Ruling delivered in open court, read, explained and interpreted to the Defendant.

Signed

Chief Magistrate I

14/12/2022

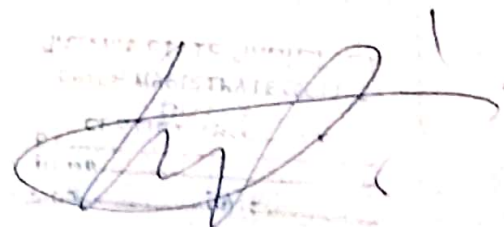
## RULING

The Defendant was brought on FIR dated 21/07/2022 on allegation of Criminal Breach of Trust, Mischief and Theft contrary to Section 312, 326, and 287 of the Penal Code. When the contents of the FIR were read, explained and interpreted to the offender, he admitted the contents voluntarily. The prosecution presented 5 witnesses in proof of their case and tendered statement of the Defendant to the police in evidence as well as 25 photos in evidence and thereby closed their case. At the end of the case of the prosecution, I find a prima facie case to have been made out and I accordingly draft the following charges against you.

### Count One

Nuraddeen U. Shehu, Chief Magistrate Grade I hereby charge you Abba Haruna as follows:-

That on or about 18/6/2022 at various times at Katuka and Kanuke villages within Kiyawa Local Government council caused mischief to mosques situated therein on the pretence of renovation to be carried out therein



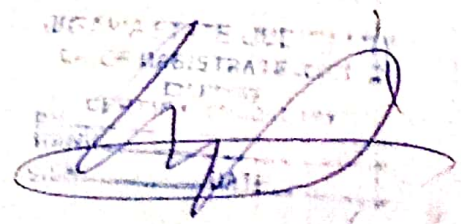
which were discovered to be false and you thereby committed an offence contrary to Section 326 of the Penal Code.

Secondly, that you Abba Haruna on or about the stated date caused one Ziya'ul-haq of Gujingu town to deliver goods worth N170,400 to a site you pointed out to him on the understanding that upon completion of the project, you would settle him the amount, which you never did and you thereby committed an offence contrary to Section 320 of the Penal Code.

**PLEA:** I admitted the contents of the charges and they are all true.

**Pros:** In the circumstance we ask for summary judgment based on the plea made voluntarily by the Defendant.

**Court:** In the absence of objection to be tried summarily having pleaded guilty to the charges drafted against the Defendant and in view of his earlier admission of guilt when contents of the FIR were read, explained and interpreted to him, I am of the opinion that the Defendant intend to be tried summarily of this offences he admitted. As such I am left in no doubt that he sufficiently understand the offences, including explanation of ingredients of the offences drafted against him. The reasonable order to make in the circumstance is to invokes provision of Section 123(8) of ACJL and act, Accordingly the Defendant is hereby convicted of the 2 offences as charged based on his plea.

The block contains a handwritten signature in blue ink, which appears to be "A. Haruna". Below the signature is a circular official stamp. The text within the stamp is partially legible and includes "MAGISTRATE" and "CENTRAL".

Allocutus:

I plea for leniency as I regret my actions.

Court-Pros:

Any record of previous conviction?

Pros:

The convict is a first offender but we apply for compensation of N170,400 to be paid to the nominal complainant as he stated in his examination in chief.

SENTENCE:

In my opinion the convict is entitled to leniency from this court having shown enough remorse thorough out the trial. As such the convict is hereby sentenced in respect of the offence of Mischief to a term of 2 years or to pay a fine of N20,000 only, while he is also sentenced to 2 years in respect of the offence of Cheating contrary to Section 312 of the Penal Code or to pay a fine of N30,000 only. The convict is hereby ordered to compensate the victim of his offence with the sum of N170,400 on or before expiration of time of appeal. The exhibits recovered to be handed over to the legitimate owners. 30 days allowed for appeal.

Signed

Chief Magistrate I

14/12/2022

ABBA STATE JUDICIARY  
CHIEF MAGISTRATE I  
REGISTRATION  
ABBA STATE JUDICIARY  
REGISTRATION  
27/12/23