

**IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ASABA JUDICIAL DIVISION
HOLDEN AT ASABA
ON WEDNESDAY, THE 18TH DAY OF MAY, 2022
BEFORE HIS LORDSHIP, THE HON. JUSTICE F. A. OLUBANJO
JUDGE**

CHARGE NO: FHC/ASB/85C/22

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA COMPLAINANT

AND

ONALUGBUM EKENE DEFENDANT

Parties in court

K. Udu for the prosecution

Agbakor Afamefune with M.K Umeana and U.O Ofoneme for the Defendant

PROSECUTING COUNSEL: We have an amended charge dated 17th May, 2022 and filed 18th May, 2022. May I humbly apply to withdraw the charge dated 28th April, 2022, and replace same with the charge dated 17th May, 2022

DEFENDANT COUNSEL: No objection.

COURT: Ordered as prayed.

[Defendant in dock, unfettered]

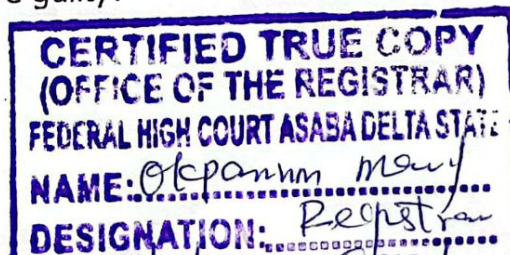
Defendant speaks and understands English language

Charge read to the defendant in English language, the charge was explained to the defendant.

Defendant understands the charge read and pleads as follows:

Defendant pleads guilty to charge.

COURT: Why did you say you are guilty?



DEFENDANT: Because I committed the offense read to me.

PROSECUTING COUNSEL: In line with the plea of the defendant, we urge this

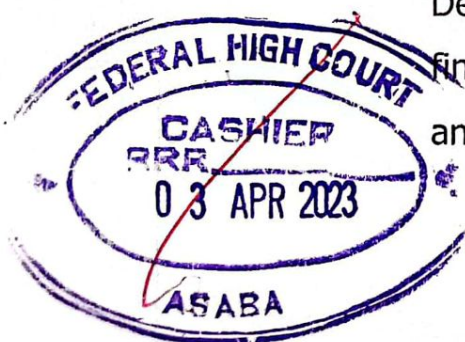
Honourable Court to convict the defendant take cognizance to the plea bargain agreement reached between the complainant and the defendant and in line with section 270 subsection 1 and 2, 274 subsection 1 and 2 and 356 subsection 1 and 2 of the Administration of Criminal Justice Act, 2015 and urge My Lord, to convict the defendant based on his plea.

DEFENDANT COUNSEL: We are aware of the plea bargain agreement. The basis for acceding to it was because of the sincere disposition of the defendant. Reformation has also begun since his arrest. The defendant and his parent are indigent but we signed the agreement, the only snag we have is the fine. The uncle of the defendant is a farmer and fishermen and we have not been able to raise the fine. We want to appeal for a review of the fine if the court can help us reduce the fine to 200,000.

PROSECUTING COUNSEL: My Lord is not bound by the plea bargain agreement. We understand that the court has a discretion to either review upward or downward, if My Lord, is minded to reduce it, we have nothing to say about it. The fine is an option so the court can reduce the terms of imprisonment

COURT.

The defendant have pleaded guilty to the essential elements of the offense charged is hereby found guilty as charged. The court is of the view that since the Defendant and his counsel willingly signed the plea bargain agreement dated 17th May, 2022, they cannot now renege from that agreement. The Defendant is sentenced to 5 years in the custody of NCS or a fine of 400,000 Naira. Sentence shall commence from today and fine shall be paid into the accounts in which fines levied by



this court are paid. This court also make paragraph 3, 5 and 6,
the judgement of the court

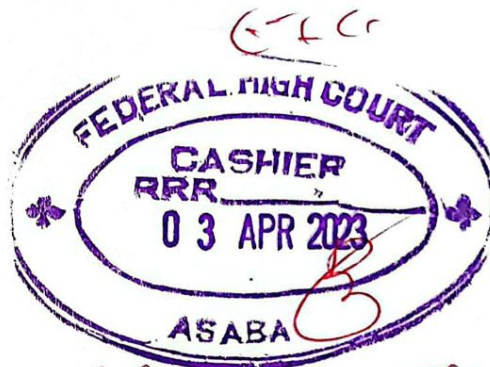
Adewumi
5/9/2022

PROCEEDINGS PREPARED & ARRANGED BY

ADEWUMI O.F

OFFICIAL COURT REPORTER

18th Day of May, 2022



RRR 1708-1591-8454

