

**IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE ASABA JUDICIAL DIVISION  
HOLDEN AT ASABA  
ON MONDAY, THE 29TH DAY OF NOVEMBER, 2021  
BEFORE HIS LORDSHIP, THE HON. JUSTICE F. A. OLUBANJO  
JUDGE**

CHARGE NO: FHC/ASB/62C/21

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ..... COMPLAINANT

AND

OHUMUMWEN OSARIEMEN ..... DEFENDANT

Defendant in court

F.A Jirbo with K.Y Bello for the Prosecution

Pascal Ugbone with A.S Adesheila for the Defendant

PROSECUTING COUNSEL: Before your lordship is a one count charge. We apply that the charge be read to the defendant for his plea to be taken.

*[Defendant in dock, unfettered]*

*[Defendant speak and understand English language]*

*Charge read to the defendant in English language, the charge was interpreted in Pidgin English and explained to the defendant.*

*Defendant understands the charge read and pleads as follows:*

*Defendant pleads guilty to the charge.*

COURT: Are you aware of the plea bargain agreement?

DEFENDANT: Yes My Lord.

COURT: Did you sign voluntarily?

DEFENDANT: Yes My Lord,

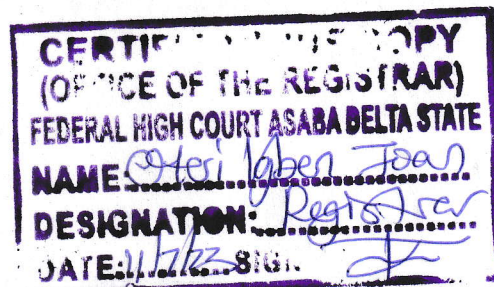


DEFENDANT COUNSEL: He fully understood the importance of the plea bargain. He has shown remorse My Lord, and has been counseled that there is no short cut to getting rich.

PROSECUTING COUNSEL: In view of the plea of the defendant, we have a plea bargain agreement prepared. I most humbly apply that this Honourable Court accept the plea bargain in convicting the defendant. I urge your lordship to apply section 270 subsection 9 and 10a of the Administration of Criminal Justice Act, 2015 in convicting and sentencing the defendant based on their plea of guilt as contained in the plea bargain entered to. We also refer to section 356 subsection 2 of the same Administration of Criminal Justice Act, 2015 and refer to the case of Dongtoe Vs Civil Service Commission of Plateau State, 2001 LPELR - 959 SC also cited in 2001 9 NWLR part 717, 132 @ 159 paragraphs E - F. We urge the court to convince and sentence the defendant

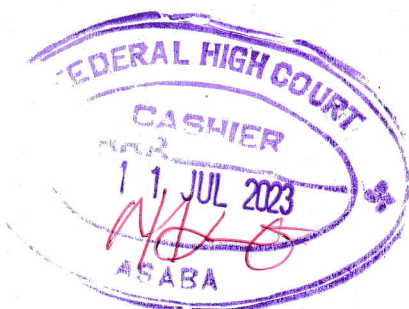
*[Prosecuting counsel show the court the statement of account referred to at paragraph 3 of the plea bargain agreement with a closing balance in the Access Bank Account Number 1418 374390 as at 8th September, 2021 is 156,382.94, while the closing balance on Zenith Bank Account no 2269954944 as at 22<sup>nd</sup> November, 2021 is 17,859.60].*

COURT: I am satisfied that the defendant pleaded to the essential element of the offense stated on the charge dated 27th October, 2020 but filed on 28th October, 2021. Furthermore, that he entered the plea bargain agreement fully aware of the legal implications and did so voluntarily. I am also satisfied that his counsel advised him competently regarding the plea of guilt and the plea bargain agreement. I am furthermore





certified that the plea bargain agreement is just and fair in the present circumstances of this case. Having carefully considered the provision of sections 14 of the cybercrime [prohibition, prevention etc] Act 2015 as well as the provision of section 270 [a] and [10] [a] and 356 [2] of the Administration of Criminal Justice Act, 2015 and having seen the balance of money in the accounts to be forfeited by the defendant as per the plea bargain agreement, also having read through the proof of evidence filed by the prosecution, the defendant is found guilty as charged. He is sentenced to a period of 5 years in the custody of the Nigeria Correctional service commencing from today or in the alternative shall pay a fine of 1 million Naira. Said fine shall be paid into the account in which fines levied by this Honourable Court shall be paid. It is furthermore ordered that the convicts shall forfeit the balance in the bank account stated at paragraph 3 of the plea bargain agreement and the property listed at paragraph 4 thereof to the Federal Government of Nigeria through EFCC. Also, this conviction and forfeiture shall not operate as a foreclosure against the EFCC from applying to the court for forfeiture of other assets or properties not herein mentioned which may subsequently be traced to the convict as proceeds of the crime with which he has been charged and convicted. Convict shall make an undertaking in writing to be good behavior and desist from criminal activities



**PROCEEDINGS PREPARED & ARRANGED BY**  
**ADEWUMI O.F**  
**OFFICIAL COURT REPORTER**  
29th Day of November, 2021

RRR-1208-6414-0276

