

*Anthony Akpovi*  
11/08/2022

**IN THE HIGH COURT OF JUSTICE; DELTA STATE OF NIGERIA**  
**IN THE WARRI JUDICIAL DIVISION; HOLDEN AT WARRI**  
**BEFORE HIS LORDSHIP HON. JUSTICE ANTHONY OLOTU AKPOVI (JUDGE)**  
**ON TUESDAY THE 19TH DAY OF MAY, 2022**

**BETWEEN:**

**SUIT NO: W/31C/2020**

**THE FEDERAL REPUBLIC OF NIGERIA ..... COMPLAINANT**

**AND**

**PRINCE THEOPHILUS VOKE OBERIKO**  
Trading under the name and style of  
**AMALGAMATED PRODUCTION CONTRACTORS } ..... DEFENDANT**

**COUNSEL:**

**R. E. AJOBIEWE ESQ. Deputy Chief Superintendent for EFCC**  
**B. O. UBIOWORO ESQ. for the Defendant.**  
**S. C. OBIALO ESQ. holds watching brief for Complainant.**

**JUDGMENT**

By charge dated 27/7/2020 filed by the Economic and Financial Crimes Commission:

**COUNT 1:**

That you **PRINCE THEOPHILUS VOKE OBERIKO** being Managing Director of **AMALGAMATED PRODUCTION CONTRACTORS** sometime in 2014, at Warri, within the jurisdiction of the High Court of Delta State of Nigeria did issue a Diamond Bank Plc Cheque number 28338367 dated 1<sup>st</sup> September, 2014 with a face value of Ten Million Naira (10,000,000) only, to Dr. Onuaha Lambert, the said cheque when presented for payment within three months was dishonoured on the ground of insufficient fund standing to the credit of the Account upon which it was drawn and thereby committed an offence contrary to Section 1(1)(b) of the Dishonoured Cheque (offences) Act, Cap D11 Laws of the Federation, 2004 and punishable under Section 1(1)(b)(i) & (ii) of the same Act.

*Certified True Copy*

*Anthony Akpovi*  
**OSHEMUGHEN E. O.**  
Asst. Chief Registrar

*11/08/2022*

**COUNT 2:**

That you **PRINCE THEOPHILUS VOKE OBERIKO** being Managing Director of **AMALGAMATED PRODUCTION CONTRACTORS** sometime in 2014, at Warri, within the jurisdiction of the High Court of Delta State of Nigeria did issue a Diamond Bank Plc Cheque number 28338369 dated 2<sup>nd</sup> September, 2014 with a face value of Ten Million Naira (10,000,000) only, to Dr. Onuaha Lambert, the said cheque when presented for payment within three months was dishonoured on the ground of insufficient fund standing to the credit of the Account upon which it was drawn and thereby committed an offence contrary to Section 1(1)(b) of the Dishonoured Cheque (offences) Act, Cap D11 Laws of the Federation, 2004 and punishable under Section 1(1)(b)(i) & (ii) of the same Act.

**COUNT 3:**

That you **PRINCE THEOPHILUS VOKE OBERIKO** being Managing Director of **AMALGAMATED PRODUCTION CONTRACTORS** sometime in 2014, at Warri, within the jurisdiction of the High Court of Delta State of Nigeria did issue a Diamond Bank Plc Cheque number 28338370 dated 3<sup>rd</sup> September, 2014 with a face value of Ten Million Naira (10,000,000) only, to Dr. Onuaha Lambert, the said cheque when presented for payment within three months was dishonoured on the ground of insufficient fund standing to the credit of the Account upon which it was drawn and thereby committed an offence contrary to Section 1(1)(b) of the Dishonoured Cheque (offences) Act, Cap D11 Laws of the Federation, 2004 and punishable under Section 1(1)(b)(i) & (ii) of the same Act.

**COUNT 4:**

That you **PRINCE THEOPHILUS VOKE OBERIKO** being Managing Director of **AMALGAMATED PRODUCTION CONTRACTORS** sometime in 2014, at Warri, within the jurisdiction of the High Court of Delta State of Nigeria did issue a Diamond Bank Plc Cheque number 28338371 dated 4<sup>th</sup> September, 2014 with a face value of Ten Million Naira (10,000,000) only, to Dr. Onuaha Lambert, the said cheque when presented for payment within three months was dishonoured on the ground of insufficient fund standing to the credit of the Account upon which it was drawn and thereby committed an offence contrary to Section 1(1)(b) of the Dishonoured Cheque (offences) Act, Cap D11 Laws of the Federation, 2004 and punishable under Section 1(1)(b)(i) & (ii) of the same Act.

*Certified True Copy*

*[Signature]*  
**OSHEMUGHEN F. O.**  
Asst. Chief Registrar

*11:08:2022*

**COUNT 5:**

That you **PRINCE THEOPHILUS VOKE OBERIKO** being Managing Director of **AMALGAMATED PRODUCTION CONTRACTORS** sometime in 2014, at Warri, within the jurisdiction of the High Court of Delta State of Nigeria did issue a Diamond Bank Plc Cheque number 28338372 dated 1<sup>st</sup> September, 2014 with a face value of Ten Million Naira (10,000,000) only, to Dr. Onuaha Lambert, the said cheque when presented for payment within three months was dishonoured on the ground of insufficient fund standing to the credit of the Account upon which it was drawn and thereby committed an offence contrary to Section 1(1)(b) of the Dishonoured Cheque (offences) Act, Cap D11 Laws of the Federation, 2004 and punishable under Section 1(1)(b)(i) & (ii) of the same Act.

**WHEREAS**

1. The Defendant is the Managing Director of Amalgamated Production Contractors doing business in the oil and gas industry.
2. That the nominal Complainant Dr. Onuaha Lambert loaned the sum of N30,000,000 (Thirty Million) to the Defendant to carry on his business in the oil and gas industry.
3. That Dr. Onuaha Lambert is entitled to the sum of N12,000,000 (twelve Million naira) as interest/return on investment.

**THE PARTIES HEREBY AGREE AS FOLLOWS:**

- a. The Defendant will defray the total sum of N42,000,000 (Forty-two Naira) in instalments.
- b. That the Defendant has paid the sum of N10,000,000 (Ten Million Naira) to Dr. Onuaha Lambert on the 12<sup>th</sup> day of April 2021, which sum he (Dr. Onuaha Lambert) acknowledges by signing his term of settlement.
- c. That the balance sum of N32,000,000 (Thirty-Two Million Naira) will be paid by the Defendant to Dr. Onuaha Lambert within 18 months commencing from the date the term of settlement is made judgment of Court.
- d. That without prejudice to paragraph 6 above the first instalment of at least N5,000,000 (Five Million Naira) will be paid within 6 months upon this term of settlement being made judgement of court.
- e. Parties shall bear their respective costs of litigation.
- f. The parties have agreed that these terms shall be the judgment of the court.

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*[Signature]*  
**OSHEMUGGEN F. O.**  
Asst. Chief Registrar

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**ORDER:**

The CTC of terms of settlement dated 17<sup>th</sup> May, 2022 filed 19<sup>th</sup> May, 2022 Exhibit "A" shall now form part of courts record and for all intents and purposes enforceable in law.

The application to dismiss the information dated 12<sup>th</sup> July, 2022 under Section 349(1) ACJL Delta State made by defence counsel succeeds and the Defendant is accordingly discharged.


It is my comment per curiam that this case should act as a locus classicus for ADR in criminal law especially where it would encourage restoration of business and contractual relationships amongst investing parties.

The Defendant is also expected to take advantage of this opportunity and comply with the Terms of Settlement reached.



ANTHONY OLOTU AKPOVI  
JUDGE  
1/02/2022

*Order of settlement - #500 to  
officer Ak  
11/08/2022*



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*OSHEMUCHEN F. O.*  
OSHEMUCHEN F. O.  
Asst. Chief Registrar  
11/08/2022