

IN THE HIGH COURT OF JUSTICE OF BAUCHI STATE OF NIGERIA  
IN THE HIGH COURT NO. 3 OF BAUCHI STATE JUDICIARY  
HOLDEN AT BAUCHI

BETWEEN:

SUIT NO. BA/49C/2020

FEDERAL REPUBLIC OF NIGERIA .....COMPLAINANT  
AND

1. NASIRU USMAN
2. MURTADAH USMAN
3. ABDULLAHI GARBA.....DEFENDANTS

TODAY MONDAY THE 8<sup>TH</sup> DAY OF MARCH 2021

1<sup>ST</sup> – 3<sup>RD</sup> Defendants present in Court ;

A M. Labaran esq for the prosecution;

Muhammed Abdullahi for the Defendants

Labaran: - the case is today for Mention/taken the Defendants plea, may I allow M. O. Tijjani to conduct the trial.

Tijjani – Before the Court is a 2 count charge dated 15/9/2020 filed on the 15/9/2020. Accompanying it is brief fact of the case, Affidavit of investigation, list of witnesses to be relied on by the by prosecution, list of documents; and prove of document we rely on in cause of trial. We seek the Court to adopt same as formal charge before the Court against the Defendants and seek same to be read to the Defendants for the purpose of their plea.

Abdullahi – No objection

**Court:-**

The Application by the counsel for the prosecution to accept the 2 count charged against the Defendants with all the annexed documents and same is duly accepted as the formal charge against the Defendants.

I order same to be read out to the Defendants for taken of their plea.

**Court – what language do you speak?**

1<sup>st</sup> Defendant – Hausa

2<sup>nd</sup> Defendant – Hausa

3<sup>rd</sup> Defendant – Hausa

Sulaiman Garba affirmed to interpret the proceedings from English to Hausa and visa vies to his ability.

**Court – read out the 1<sup>st</sup> count charge to the Defendants and interpret it into Hausa.**

**Court – count one (1) read out and explain to the Defendants in to Hausa.**

**Court – have you understand the charge read in 1<sup>st</sup> count?**



1<sup>st</sup> Defendant – yes I have understood the charge in count 1

2<sup>nd</sup> Defendant – yes I have understood the charge in count 1

3<sup>rd</sup> Defendant – yes I have understood the charge in count 1

**Court** - Are you guilty or not guilty for the charge in count 1

1<sup>st</sup> Defendant – I am not guilty of the offence in count 1.

2<sup>nd</sup> Defendant – I am not guilty of the offence in count 1.

3<sup>rd</sup> Defendant – I am not guilty of the offence in count 1.

**Court** – read out the charge in count 2 and explained to the 3 Defendants into Hausa.

**Court** – count two (2) read out and explain to the 1 – 3 Defendants in to Hausa.

**Court** – have you understand the charge read in count 2?

1<sup>st</sup> Defendant – yes I have understood the charge in count 2

2<sup>nd</sup> Defendant – yes I have understood the charge in count 2

3<sup>rd</sup> Defendant – yes I have understood the charge in count 2

**Court** - Are you guilty or not guilty for the charge in count 2

1<sup>st</sup> Defendant – I am not guilty of the offence in count 2

2<sup>nd</sup> Defendant – I am not guilty of the offence in count 2.

3<sup>rd</sup> Defendant – I am not guilty of the offence in count 2

Tijjani :- in view of the plea of not guilty by the Defendants we apply for a date to open our case.

Mohammed – no objection for adjournment, but we have an application on bail of the Defendants we apply for a very short date to file same. We jointly agreed to the 12/3/2021.

**Court** :- the case is adjourned to 12/3/2021 for Hearing I order the 3 Defendants be remanded in custodial center Bauchi.

Signed

Judge

08/03/2021

**TODAY FRIDAY THE 12<sup>TH</sup> DAY OF MARCH, 2021**

1 – 3 Defendants present in Court

A. M. LABARB – for the prosecution

Mohammed Abdullahi with E. E. Musa for the Defendants

Labaran – the case today is for trial however we have filed an Amended charge dated 11/3/2021 filed today same have been serve on the Defendants we want the charge filed on 19/9/2020 be withdraw and replace with Amended charge filed today.

Abdullahi – No objection.



**Court** – Accordingly the charge filed on 16/9/ 2020 is hereby struck out. We apply for the amended charge be read out and explain to the Defendants Abdullahi – No objection.

**Court** – read out and extant charge and explain same to the Defendants. Sulaiman Garba affirmed to interpret the proceedings from English to Hausa and visa vies to the best of his ability.

**Court** – read out the extant charge and explain same into Hausa to the 3 Defendants.

**Court** – the extant charge is duly read and explain to 1 – 3 Defendants into Hausa.

**Court** – Have you understand the charge in count 1?

1<sup>st</sup> Defendant – yes I have understood the charge in count 1

2<sup>nd</sup> Defendant – yes I have understood the charge in count 1

3<sup>rd</sup> Defendant – yes I have understood the charge in count 1

**Court** – Are you guilty or not guilty of the charge in count 1?

1<sup>st</sup> Accused – I am guilty of the charge in count 1

2<sup>nd</sup> Accused – I am guilty of the charge in count 1

3<sup>rd</sup> Accused – I am guilty of the charge in count 1

**Court** – read out the charge in count 2 and explain to the 1 – 3 Defendants

**Court** – the charge in count 2 duly read in and explain to the 1 - 3 Defendants into Hausa.

**Court** – Have you understand the charge in count 2?

1<sup>st</sup> Defendant – yes I have understood the charge in count 2

2<sup>nd</sup> Defendant – yes I have understood the charge in count 2

3<sup>rd</sup> Defendant – yes I have understood the charge in count 2

**Court** – Are you guilty or not guilty of the charge in count 2?

1<sup>st</sup> Accused – I am guilty of the charge in count 2

2<sup>nd</sup> Accused – I am guilty of the charge in count 2

3<sup>rd</sup> Accused – I am guilty of the charge in count 2

Labaran – In view of the plea of guilty entered by the Defendants I urged the Court to convict them on the 2 count Amended charges before the Court. As indicated from admission by Accused in the brief Evidence relying on section 28 of 2011 Evidence Act.

Abdullahi – No objection.

**Court** -: I hereby found the 1, 2, 3, Accused person guilty as charged of the offence of criminal conspiracy provided by section 97 (2) of the Penal Court Law, and for the offence of cheating contrary to section 320 and punish by section 322 of Penal Court Law.



Abdullahi – the Defendants are 1<sup>st</sup> time offenders and they are married with children and aged parents. They are of many responsibilities, in view of same we urged the Court to temper Justice with mercy. They shall undertake to repay their debt. We urged the Court to take in to consideration that out of N520, 000 being the sum indebted The Defendants have paid leaving a balance of N177, 000 left to be paid. They have paid at the EFCC Office, we urged the Court to sentence the Accused with option of fine in lamina.

Labaran – I have agreed that the remaining balance is N177, 000 only unpaid out of the N520, 000 per the charge on outstanding balance we hold no objection as the case have not reached any were.

### SENTENCE

In view of the admission by the Defendants. Counsel who have establish as conceded that the Defendants have settled some substantial part of the sum leaving a balance of N177, 000 to be settled. This have been also confirmed by the EFCC counsel who even hold no objection for a non – convict sentence. I hereby sentence the Defendants to pay the balance of the sum at N177, 000 without serving any sentence or paying any fine as a non – convict sentence.

Signed

HOH. JUSTICE M. A. SAMBO

Judge

12/3/2021

Certified True Copy

Adamu Garba Gital  
Asst. Chief Registrar  
High Court No. 3  
Bauchi.



A blue circular stamp from the High Court of Justice, Bauchi State, is partially visible. Overlaid on the stamp is a handwritten signature in blue ink and the date '24/10/2021'.