

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/59C/2021

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

ALIYU MUSA.....DEFENDANT

WEDNESDAY THE 28<sup>TH</sup> DAY OF JULY 2021

Defendant is present in Court.

Z. Mohammed for the prosecution.

J. J. Odidi for the Defendant.

Mohammed before the Court is a 2 count charges dated 27/5/2021 filed on 19/7/2021. I apply that one count be withdrawn.

Odidi – No objection.

Court – count 1 is hereby struck out by the Court same having been withdrawn by the prosecuting counsel.

Mohammed – may I apply that the lone count charge be read to the hearing of the Defendant.

Odidi – No objection

Court – the lone count charged is ordered to be read out to the hearing of the Defendant.

Court – what language do you understand?

Defendant – English language.

Court the lone charge is hereby read out to the Defendant and explained to him.

Court – have you understand the lone count charged rea out to you?

Defendant – yes I have understand the charge read out to me.

Court – Are you guilty or not guilty of the charge?

Defendant – I am guilty of the charge.

Mohammed – in view of the Defendant plea of guilty to the lone charge, I apply that the Defendant be found guilty as charged and accordingly convicted as charged.

Court – Finding, I hereby found the Accused person guilty as charged for the offence of cheating contrary to section 320 (a) punishable by section 322 of the Penal Code Law.

Odidi – we appeal to this Court to be lenient in sentencing the Accused person. He has now lessened the hardship on the Court having pleaded guilty. He has paid the sum of N4, 825, 000 only to the nominal complainant through the complainant leaving the balance of N3, 195, 000 only and in good faith he is ready to pay same. The convict is a family man with 2 wives and seven children and he is to take care of the family. So we pray for the sentencing of fine in place of imprisonment.

Mohammed – yes the convict has only paid N4, 825, 000 only leaving a balance of N3,195, 000 only.

#### COURT – SENTENCE

After I have listened to the convict request, the counsel Mr. Odidi in his submission informing the Court the convict is a family man and has so far paid a token sum of N4, 825, 000 to the nominal complainant through the complainant to this Court, which information has been confirmed by the prosecuting counsel. I hereby order the convict to pay back the balance of N3, 195, 000 to the nominal complainant through the same complainant to be confirmed by the prosecuting counsel. I equally ordered the convict to pay the sum N20, 000 only or serve a prison term of 6 Month in the event of failure to pay same and the balance of N3, 195, 000 to the nominal complainant.

Mohammed – we thank the Court.

Odidi – we are grateful for the Court

Signed  
Hon. Justice M. A. Sambo  
Judge  
28/7/202

Certified True Copy by  
Adamu Garba Gital  
Asst. Chief Registrar  
High Court No. 3 Bauchi.



JUDGE

IN THE HIGH COURT OF BAUCHI STATE  
IN THE BAUCHI JUDICIAL DIVISION  
HOLDEN AT BAUCHI  
CHARGE NO: BA/599/2021

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT  
AND  
ALIYU MUSA.....DEFENDANT

THE CHARGE

COUNT ONE

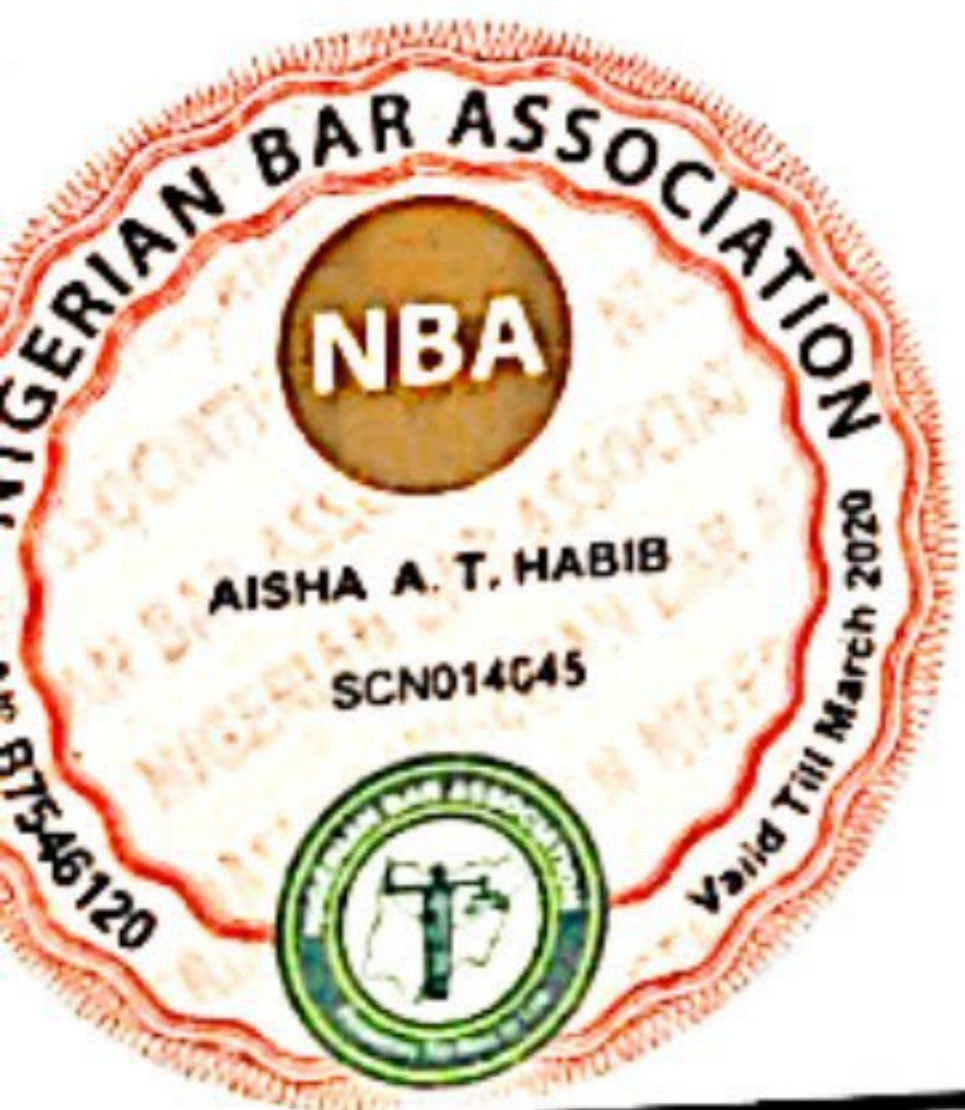
That you, Aliyu Musa and Lawan Rabi'u (now at large) sometimes in 2018 at Bauchi Bauchi State within the Jurisdiction of this Honorable Court with the intent to defraud, conspired between yourselves to do an illegal act to wit; Cheating and thereby committed an offence contrary to Section 96(1) and punishable under section 97(1) of the Penal Code Law.

COUNT TWO

That you Aliyu Musa and Lawan Rabi'u (now at large), sometimes in 2018, at Bauchi, Bauchi state within the Jurisdiction of this Honorable Court with intent to defraud, Cheated one Muhammad Haruna by inducing him to deliver to you his property worth ₦8,000,000.00 (Eight Million Naira) and thereby committed an offence contrary to Section 320(a) and punishable under section 322 of Penal Code Law.

Dated this... 27<sup>TH</sup> .....Day of..... MAY.....2021

.....  
AISHA A.T HABIB (Mrs.)  
Z.MUHAMMAD ESQ  
Economic and Financial Crimes commission  
No.2 Hajj Camp Road Kano, Kano State  
08066197721



FRN V ALIYU MUSA & 1 ANOR

REGISTRAR PROCEEDS  
HIGH COURT OF JUSTICE  
BAUCHI STATE

Handwritten signature and date: 19/07/21

IN THE HIGH COURT OF BAUCHI STATE  
IN THE BAUCHI JUDICIAL DIVISION  
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THE BRIEF FACT OF THE CASE

The brief facts of the case are that on 8<sup>th</sup> of March 2018, the complainant, alleged that one Aliyu Musa approached him to sell his house situated at GRA Bauchi which they negotiated a price at the rate of Eight Million Naira (₦ 8,000,000.00). That the suspect offered two Million Naira (₦ 2,000,000.00) to him and the balance of Six Million Naira (₦ 6,000,000.00) will be paid in two weeks time which he refused. That the suspect later brought one Hon. Lawan Rabi'u and convinced him to collect a certificate of occupancy of a plot of land worth over Six Million Naira (₦ 6,000,000.00) and an FCMB cheque of three Million Naira (₦ 3,000,000.00) which he agreed and gave them the certificate of occupancy for the said house. When the defendant finally obtained the loan facility of the sum of Twenty Five Million Naira only (₦ 25,000,000) he refused to pay him his money nor return the House and the investigation revealed that the house have been taking over by FCMB in default of the loan.

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✓ AISHA A.T HABIB (Mrs.)

Z.MUHAMMAD ESQ

Economic and Financial Crimes commission

No.2 Hajj Camp Road Kano, Kano State

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LIST OF PROSECUTION WTNESSES

1. Muhammad Haruna
2. Representative of FCMB Plc
3. the current accupant of the House
4. Det.Mika'ilu damu

.....  
✓ AISHA A.T HABIB (Mrs.)  
Z.MUHAMMAD ESQ  
Economic and Financial Crimes commission  
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LIST OF EXHIBITS/DOCUMENTS.

1. Letter of petition.....copy
2. Extra Judicial Statement of the Defendant....copy
3. Statement of Account & other account opening documents  
copy
4. And any other document relevant to this case

.....  
AISHA A.T HABIB (Mrs.)  
Z.MUHAMMAD ESQ  
Economic and Financial Crimes commission  
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PROOF OF EVIDENCE

1. Muhammad Haruna is the Nominal Complainant in this case. she will testify and tell the Court how the Defendant defrauded her
2. Det. Mika'ilu Adamu is an investigator with EFCC.

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AISHA A.T HABIB (Mrs.)  
Z.MUHAMMAD ESQ  
Economic and Financial Crimes commission  
No.2 Hajj Camp Road Kano, Kano State  
08066197721



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Mohammed Farwana  
Farawa Quarters  
Kumbotso Local Govt. Area  
Kano State,  
11<sup>th</sup> January 2019

The chairman,  
Economic and financial crime commission (EFCC)  
Kano state branch,

Sir,

**CRIMINAL COMPLAIN AGAINST HON LAWAN RABI'U AND  
ALHAJI ALIYU MUSA FOR CONSPIRANCY, BREACH OF TRUST  
AND CHEATING.**

Please refer to the above subject matter, accordingly, I of the above name and address hereby write and lodged a criminal complaint against HON. LAWAN RABI'U the current member of federal house of representatives representing LERE and SAMINAKA federal constituency in Kaduna state and one ALHAJI ALIYU MUSA for criminal conspiracy, breach of trust and cheating.

Sir, sometime on the 8<sup>th</sup> day of march 2018 the said ALHAJI ALIYU MUSA approached me, in order to sale him my house which is situate at G.R.A. BAUCHI and we negotiate the price, at the rate of ₦8,000,000 = 00k (eight million naira ) , after the negotiation of the price, the said ALHAJI ALIYU MUSA asked me to collect the sum of ₦2,000,000 (two million) later he will give me the sum of ₦6000,000 (six million) and I refused he went and brought HON. LAWAN RABI'U, after HON. LAWAN RABI'U introduced himself to me and ask me to collect the sum of ₦2,000,000 =00k (two million naira) that if I am not convenience he has a certificate of occupancy of a plot which is more than ₦6000,000 (six million) that he will surrender it to me, and in two weeks he will bring my money the sum of ₦6000,000 (six million) and collect his certificate back.

ETC-ALJ-19-033323

Economic And Financial  
Crimes Commission (EFCC)  
14 JAN 2019

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Sir, I considered his position, respect and trusted him, which in convenience with his comment, I collected the sum of ₦2,000,000 (two million naira) together with certificate of occupancy and a cheque of ₦3,000,000 (three million) undated bearing FCMB BANK with promise that they will bring my money the sum of ₦6,000,000 (six million) within two weeks which I gave them my certificate of occupancy for the said house, later I went to the bank to confirm the position of the money as was instructed by the ALHAJI ALIYU MUSA and Hon. LAWAN RABI'U which it was proved to me by the bank that there is no money in the account,

Sir, when I mounted pressure on them and reported them to the traditional council of SAMINAKA local government area Kaduna state, the said HON. LAWAN RABI'U gave me ₦500,000 (five hundred thousand naira) and left a balance of ₦5,500,000 (five million five hundred thousand naira) unpaid which he undertook to bring the whole sum; but since then he refused and neglected to pay me.

Sir, to my greatest surprise they have sold the house to somebody, sir, attached to this complaint are relevant documents, for your observation.

In view of the above, I urge you sir to cause investigation into this matter, since they have deceived me by presenting a bank Cheque and at the same time they have breached the trust.

THANKS

Yours faithfully



Mohammed Haruna

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