

**IN THE HIGH COURT OF JUSTICE OF SOKOTO STATE**  
**IN THE SOKOTO JUDICIAL DIVISION**  
**HOLDEN AT SOKOTO**  
**ON THE 18<sup>TH</sup> DAY OF JULY, 2022**  
**BEFORE HIS LORDSHIP:**

**HON. JUSTICE MOHAMMED MOHAMMED (JUDGE)**

SUIT NO. SS/71<sup>C</sup>/2022

**BETWEEN:**

FEDERAL REPUBLIC OF NIGERIA-----COMPLAINANT  
AND

1. ABDULMAJEED HABEEBLAH  
2. UMAR NANA HAUWA'U----- DEFENDANTS

***Appearances:***

S.H. Sa'ad Esq. for Prosecution. The defendants are in court. they speak and understand English language.

Abdullahi A. Sokoto Esq. for the Defendants.

S.H. Sa'ad Esq: The matter is for arraignment of the defendants and we are ready.

Abdullahi A. Sokoto Esq: We are also ready.

Court: Proceed.

S.H. Sa'ad Esq: The charge is dated 21/6/2022 and filed on the 22/6/2022. The defendants have been served with the copies of the charges against them. They are being charged with the offences of *Criminal Conspiracy* contrary to Section 59 (a) of the Sokoto State Penal Code Law 2019 and punishable under Section 60 (a) of the same law and the offence of *Theft* contrary to Section 274 (1) of the Sokoto State

Penal Code Law 2019 and punishable under Section 275 (2) of the same law. We humbly apply that the charges be read to them for the purpose of taking their plea.

Court to Registrar: Read and explain the two (2) counts charges to the defendants in English language.

**COUNT 1**

Court: Did you hear the charge that was read over and explained to you?

1<sup>st</sup> Defendant: Yes I heard.

2<sup>nd</sup> Defendant: Yes I heard.

Court: Did you understand the particulars of the charge?

1<sup>st</sup> Defendant: Yes I understand.

2<sup>nd</sup> Defendant: Yes I understand.

Court: Are you guilty or not guilty?

1<sup>st</sup> Defendant: I am guilty.

2<sup>nd</sup> Defendant: I am guilty.

**COUNT 2**

Court: Did you hear the charge that was read over and explained to you in English language?

1<sup>st</sup> Defendant: Yes I heard.

2<sup>nd</sup> Defendant: Yes I heard.

Court: Did you understand the particulars of the charge?

1<sup>st</sup> Defendant: Yes I understand.

2<sup>nd</sup> Defendant: Yes I understand.

Court: Are you guilty or not guilty?

1<sup>st</sup> Defendant: I am guilty.

2<sup>nd</sup> Defendant: I am guilty.

Court: By the provisions of Section 273 (1) of the ACJL of Sokoto State 2019, a trial court before convicting a defendants upon his plea of guilty in non-capital offences such as the offences with which the defendants are charged, must ensure that the defendants truly understand the nature of the charges against him, the implication of his plea by inviting the prosecution to summarily state the facts to the hearing of the defendants upon which the charges were framed against them.

Consequently, the prosecution is hereby invited to summarily state the facts upon which the charges were framed against the defendants.

S.H. Sa'ad Esq: The facts are that the 2 defendants sometimes in April 2021 in Sokoto conspired among themselves and formed a common designed and took ₦141,000 from the Guaranty Trust Bank Account of one Maiyaki Hamza Usman after they have gain access to his ATM card and email account without the consent of the said Maiyaki which act contravenes the provisions of the Sokoto Penal Code Law 2019

and that is they are before the court for the charges framed against them.

Court: Did you hear the facts upon which the 2 counts charges were framed against you?

1<sup>st</sup> Defendant: Yes I heard.

2<sup>nd</sup> Defendant: Yes I heard.

Court: Do you still maintain your plea of guilty?

1<sup>st</sup> Defendant: Yes I maintain.

2<sup>nd</sup> Defendant: Yes I maintain.

Court: By the provision of Subsection (2) of Section 273 of the ACJL of Sokoto State 2019, if after the prosecution has summarily state the facts upon which a charge is framed against a defendant, the defendant maintain his plea of guilty and the trial court is satisfied that the defendant truly understand the nature of the charge and intends to admit the truth of all the element of the offence with which he is charged the trial court can proceed and convict the defendant upon his plea. I am satisfied from the foregoing that the defendants truly understand the nature of the charges against the facts upon which the charges were framed and intend to truly admit all the elements of the offences against them. Consequently, I hereby find you Abdulmajeed Habeeblah and Umar Nana Hauwa'u guilty as charged.

## ALLOCUTUS

Abdullahi A. Sokoto Esq: The convicts did not waste the precious time of the court. The convicts are final year students of Usman Danfodiyo University, Sokoto and related to the nominal complainant. The convicts we urge this court to give them an option of fine in lieu of imprisonment because they are first time offenders. We therefore urge the court to temper justice with mercy.

S.H. Sa'ad Esq: To the best of our knowledge, the convicts are first offenders. They are also final year students of Usman Danfodiyo University, Sokoto. The convicts are also living the same compound with the nominal complainant. We urge the court to also order for restitution of the sum of money involved through the EFCC on behalf of the victim.

## SENTENCE

Court: By virtue of Section 310 (3) of the ACJL 2019 of Sokoto State, a trial court while sentencing a convict, is required to take into consideration all mitigating and aggravating factors as a guide in deciding the nature and extent of the sentence to be imposed upon the convict. I have taking into consideration the allocutus made by the defence counsel and the response of the prosecuting counsel. In consideration of all that has been said by the defence counsel on behalf of the convicts and the substantial confirmation of same by the prosecuting

counsel as well as the provisions of Section 415 (2) (d) of the ACJL of Sokoto State 2019 which enjoined trial courts not to impose the maximum punishment provided for an offence against first time offenders, it is the humble view of this court that this is a case in which this court will be justified to temper justice with mercy.

Consequently, the convicts are hereby sentenced to a fine of ₦20,000 each for the offence of *Criminal Conspiracy* punishable under Section 60(2) of the Sokoto State Penal Code Law 2019 or 1 year imprisonment in default. They are also sentenced to a fine of ₦30,000 each for the offence of *Theft* punishable under Section 275 of the Sokoto State Penal Code Law 2019 or 2 years imprisonment in default. The convicts are also hereby adjudged to retribute the nominal complainant the sum of ₦141,000 through EFCC. The sentence takes effect from today.

*Signed*

**HON. JUSTICE MOHAMMED MOHAMMED**  
(JUDGE)  
18/7/2022

**CERTIFY TRUE COPY**

**FATIMA SAIDU ABUBAKAR**  
**DIRECTOR LITIGATION,**  
**HIGH COURT OF JUSTICE,**  
**SOKOTO.**