

IN THE HIGH COURT OF JUSTICE OF SOKOTO STATE
IN THE SOKOTO JUDICIAL DIVISION
HOLDEN AT SOKOTO
ON THE 2ND DAY OF AUGUST, 2022
BEFORE HIS LORDSHIP:
HON. JUSTICE MUHAMMED MUHAMMED – (JUDGE)

SUIT NO: SS/73^C/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA-----COMPLAINANT

AND

BABANGIDA SHARU-----DEFENDANT

Appearances:-

S.H. Sa'ad Esq. for the prosecution. The Defendant is in court and speaks Hausa language.

Ja'afar Abubakar Esq. for the Defendant.

Court to Registrar: Affirm yourself and interpret the proceedings of this court from English to Hausa and vice versa.

S.H. Sa'ad Esq: The matter is for arraignment. Before this court is a one (1) count charge dated 22/6/2022 for the offence of *Criminal Breach of Trust* punishable under Section 301 of the Sokoto State Penal Code Law 2019. The Defendant has been served with a copy of the charge. We apply that the plea of the Defendant be taken.

Ja'afar Abubakar Esq: We are ready.

Court to Registrar: Read and explain the charge to the Defendant in Hausa language.

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

Defendant: Yes I heard.

Court: Did you understand the particulars of the charge?

Defendant: Yes I understand.

Court: Are you guilty or not guilty?

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 Defendant upon his plea of guilty in non-capital offences, is required to invite the prosecution to summarily state the facts upon which the charge was framed against a Defendant to the hearing of the Defendant to enable the trial ensure that the Defendant understand the charge against him and truly intends to admit all the elements of the offence with which he is charged.

Accordingly, the prosecution is hereby invited to summarily state the facts to the hearing of the Defendant.

S.H. Sa'ad Esq: The facts are that sometimes July, 2019, the Defendant was entrusted N2 Million and misappropriated N1.2 Million that is why he was charged before this court.

Court: Did you hear the facts upon which the charge was framed against you?

Defendant: Yes I heard the facts upon which the charge was framed against me.

Court: Do you still maintain your plea of guilty?

Defendant: I still maintain my plea of guilty.

Court: By the provisions of Section 273(2) of the ACJL of Sokoto State 2019, if a trial court is satisfied that a Defendant understand the charge against him and truly intends to admit all the essential elements of the offence, the trial court can convict the Defendant upon his plea.

Consequently, and in consideration of all the foregoing, I am satisfied that the Defendant understand the charge against him and truly intends to admit all the essential elements of the offence with which he is charged, and found you Babangida Shehu guilty as charged.

ALLOCUTUS

Ja'afar Abubakar Esq: On behalf of the convict, we urge this court to temper justice with mercy while sentencing the convict. The convict is the bread winner of his family and his elderly dependent parents, as it was in trying to cater for his family that he committed this offence which he regretted his action and is remorseful and a person with disability as he cannot walk without a support from a stick which the court can see. He undertake to restitute the amount he misappropriated. Since he accepted his mistake, we urge the court to give him the opportunity to make amends. We therefore urge this court to consider giving the convict an option of fine. The convict is also a first time offender. We finally urge the court to temper justice with mercy.

S.H. Sa'ad Esq: To the best of our knowledge, the convict is a first time offender. In sentencing the convict, we urge the court to order the convict to pay a restitution of ₦1,200,000 to the victim through the EFCC pursuant to the provisions of Section 40 of the Penal Code Law of Sokoto State 2019.

SENTENCE

Court: By the provisions of Section 310 (3) of the ACJL of Sokoto State, a trial court while sentencing a convict, is required to take into consideration all the aggravating and mitigation factors into consideration as a guide in deciding the nature and extent of the sentence to be imposed against the convict.

I have taken into consideration the fact that the convict is a first time offender and takes responsibilities of his aged parents as well as the response of the prosecuting counsel in response to the allocutus made by the defence counsel on behalf of the convict alongside the undertaken of the convict to retribute the victim as well as the punishment provided for the offence with which the convict was convicted in deciding the nature and extent of sentence to be imposed against the convict.

In consideration of all the foregoing, it is the humble view of this court that this is a case in which justice can be tempered with mercy.

Consequently the convict Babangida Sharu, is hereby sentenced to ₦50,000 fine or 5 years imprisonment

for the offence of *Criminal Breach of Trust* punishable under Section 301 of the Sokoto State Penal Code 2019.

The convict is also adjudged to make payment of ₦1,200,000 as restitution to the victim through the EFCC. The sentence is with effect from today.

Signed

HON. JUSTICE MUHAMMED MUHAMMED
(JUDGE)
2/8/2022

CERTIFIED TRUE COPY

FATIMA SAIDU MOH'D
DIRECTOR LITIGATION,
HIGH COURT OF JUSTICE,
SOKOTO.