

IN THE HIGH COURT OF JUSTICE OF BAUCHI STATE

HOLDEN AT BAUCHI

08 08 2022

F.R.N

VS.

ABDULAHI MUSA TILDE

BA/90C/2022

Accused Present Speaks Hausa,
A.Y. Muntaqa for the Complainant
R.A. Talle Esq for the Defendant
Inuwa Abdulhamid Affirmed to
Interpreted from English to Hausa
vise versa.

CERTIFIED TRUE COPY
HIGH COURT OF JUSTICE
BAUCHI

SIGN

*Inuwa Abdulhamid
Pass Registrar
High Court of Justice*

*Bruett
29th/12/2023*

JUDGMENT AND SENTENCE

That the one court charge was read to the hearing of the defendant and who understood same and pleaded guilty to the one count charge.

That the prosecution applied for a summary trial pursuant to **SECTION 157 (1) C.P.C** that Court, as the defendant has not shown any cause on why the court shall not convict him, has convicted the said defendant, pursuant to **SECTION 157 (1) C.P.C**

That prosecution counsel told court that the convict is a first time offender.

That defendant counsel Talle Esq said on plea of allocutus, that the said convict is a first time offender, with no records of previous convictions. And a family man with eight (8) uprings. They urged and pleaded with

court to temper justice with mercy while sentencing the convict and ---
urged court to give convict an option of five. That prosecution counsel,
Muntaqa Esq applied to court pursuant to **SECTION 78 OF THE
PENAL CODE LAWS OF BAUCHI STATE AND SECTION 365, 366 OF
CRIMINAL PROCEDURE CODE OF BAUCHI STATE** that while not
opposing the application for leniency to the court made by the
defendant's counsel Talle Esq is making the following prayers:

1. For court to make an order for the payment of One Million Five Hundred Thousand Naira (N1,500,000.00) which is the amount of money benefited by the convict in favour of the persons listed on the face of the one count charge through the EFCC.
2. An order of this Hon. Court permitting, ordering the GT Bank, directing the Managing Director or any Branch Manager of GT Bank particularly that of Bauchi Branch, to transfer the amount standing in the account of the convict, with GT bank Plc bearing the name and account number of Abdullahi Musa Tilde.

Account Number: 0044560729

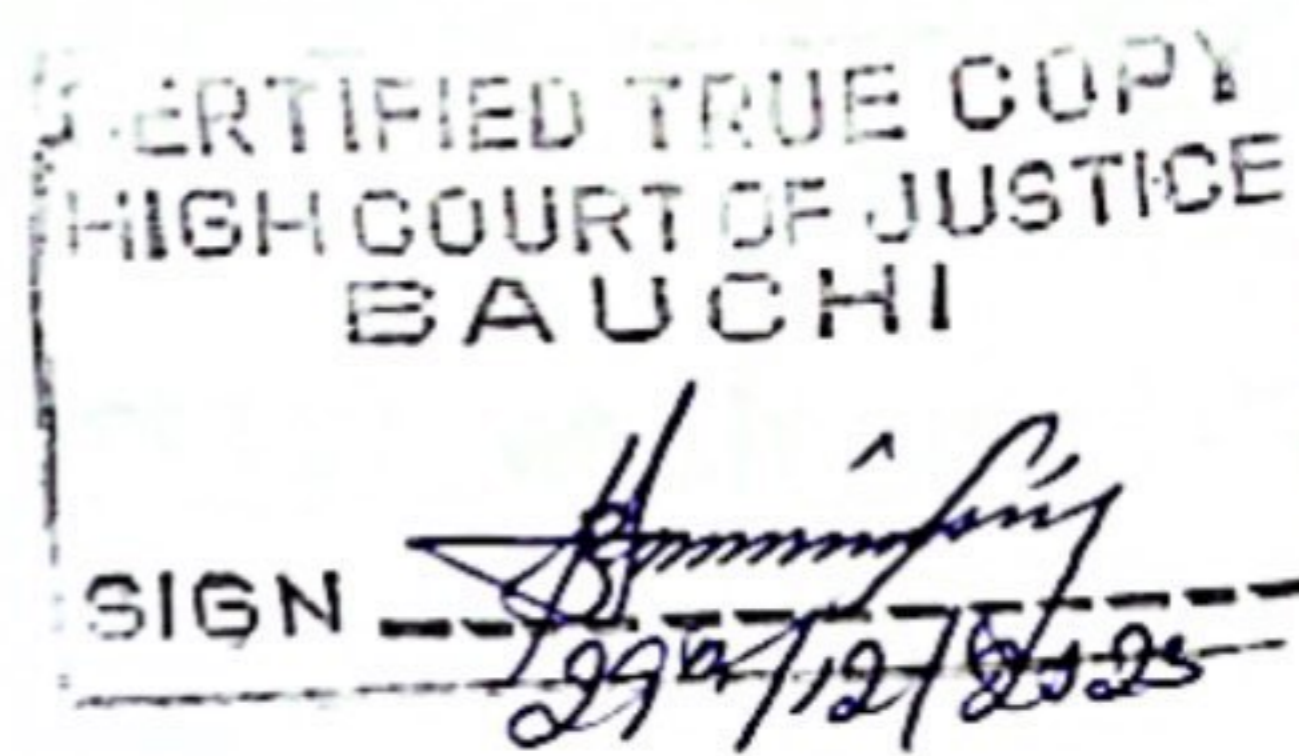
To be transferred to the EFCC Exhibit account in Gombe for onward transmission to the victims.

3. Lastly, an order of court for the convict to pay the remaining outstanding on or before the 30th Day of December, 2022 to the victims through the Office of the EFCC.

That the defendant counsel Talle Esq said no response.

That court having carefully scrutinized the one count charge and **SECTION 320 AND 322 OF THE PENAL CODE LAWS** which provided that:

SECTION 320 PENAL CODE LAWS:



"Whoever by deceiving any person:

- (a) Fraudulently or dishonestly induces the person so deceived to deliver any property to any person or to counsel that any person shall retain any property or
- (b) Intentionally induces the person so deceived to do or omitted to do anything which he would not do or omit to do if he were not so deceived and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property.

Is said to cheat."

That **SECTION 322 OF THE PENAL CODE**, provided that:

"Whoever cheats shall be punished with imprisonment which may extend to three years or with fine or with both"

That court pursuant to the provisions of **SECTION 322 OF THE PENAL CODE LAWS OF BAUCHI STATE** has hereby sentenced the convicted to:

1. Three years imprisonment.
2. That as a first time offender, coupled with the plea of allocutus by the defendant counsel Talle Esq, court has hereby gave option of a fine of Forty Thousand Naira in lieu of the three years jail term (of imprisonment).
3. That pursuant to the complainant (prosecution) counsels' prayer, Muntaqa Esq, which application are pursuant to **SECTION OF**

THE PENAL CODE LAWS OF BAUCHI STATE which provided that:

"Any person who is convicted of an offence under this penal code may be adjudged to make compensation to any person injured by his offence and such compensation may be either in addition or in substitution for any other punishment"

That SECTION 365 OF THE CRIMINAL PROCEDURE CODE provided that:

1. Whenever under a law in force for the time being a criminal court imposes a fine, the court may, when passing judgment order that in addition to a fine a convicted person shall pay a sum:

- (a) In defraying expenses properly incurred in the prosecution.
- (b) In compensation in whole or in part for the injury caused by the offence committed, where substantial compensation is in the opinion of the court recoverable by civil suit.
- (c) In compensating an innocent purchaser of a property in respect of which the offence was committed who has been compelled to give it up.
- (d) In defraying expenses incurred in medical treatment of a person injured by the accused in connection with the offence.

2. "If the fine referred to in subsection (1) of this section is imposed in a case which is subject to Appeal, no such payment additional to the fine shall be made before the period allowed for presenting the appeal has elapsed or, if an appeal is presented before the decision on the appeal".

That **SECTION 366 OF THE CRIMINAL PROCEDURE CODE** provided that:

"At the time of awarding compensation in a subsequent civil suit relating to the same matter, the court shall take into consideration any sum paid or recovered as compensation under **SECTION 365 OF THE PENAL CODE**"

That pursuant to the **SECTION 78 OF THE PENAL CODE AND SECTIONS 365, 366 C.P.C** court granted the complainant prosecution counsel prayer as prayed above.

That any person who is not satisfied with the courts' decision has the right to Appeal to the court of Appeal within 90 days from to date.

Lamido Kabir Umar

08/08/2022

Muntaqa Esq – Very grateful for the well considered judgment.

Talle Esq – Very much grateful.

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