

IN THE HIGH COURT OF JUSTICE OF BAUCHI STATE
IN THE HIGH COURT NO. 3 OF BAUCHI STATE JUDICIARY
HOLDEN AT BAUCHI
BEFORE HIS LORDSHIP HON. JUSTICE M. A. SAMBO (JUDGE)

BA/93c/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

EMMANUEL ADIBEH.....DEFENDANT

26/11/2023

The Defendant present in Court.

A. B. Kware for the prosecution.

No appearance for the Defendant. The Defendant counsel is before High Court 05 but may I seek for a short stand down to 10:20am.

Court – the matter is stood down to 10:20am for mention.

Signed

Judge

26/10/2023.

26/10/2023 (at 10:14am)

Defendant in Court

Same A. B. Kware for the prosecution

R. Y. Talle for the Defendant

Kware – matter is today for arraignment and we are ready to proceed.

Talle – I am also ready

Kware – before the Court is a one count charge dated 23/10/2023 filed on same date, it is accompanied brief of facts, list of documents to be relied upon, list of witnesses, Affidavit of investigation and other relevant annexures, we apply that the charge be accepted as the formal charge and same be read to the Defendant for his plea taking.

Talle – no objection

Court – this is a charge containing one count accompanied by brief fact of the case, list of document to be relied upon, list of prosecution witnesses to call, Affidavit of completion of investigation and other relevant document all in urging the Court to accept same as the formal charge filed against the Defendant.

After I have listened to the prosecuting counsel who moved the Court, which not opposed by the Defendant counsel and having perused the entire processes so far filed the charge is hereby accepted as the formal charge filed against the Defendant. I order same to be read out and explained to the Defendant into the language he understands for his plea taking.

Court – what language do you understand?

Defendant – I speak and understand English.

Court – read out the charge to the Defendant.

Court – the one count charge have been duly read out to the Defendant.

Court – Have you understand the one count charge just read out to you?

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

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

Defendant – I am guilty of the charge.

Kware – consequent upon the plea of the Defendant guilty, I apply that he be tried summarily.

Talle – No objection for the trial of the Defendant summarily by the Court

Court – do you know the implication of pleading guilty to the charge?

Defendant – yes I know the legal implication of pleading guilty to the charge is to accept the allegation leveled against me. I am still on my admission of the charge.

Court – Finding

After the Defendant have pleaded guilty to the one count charge knowing fully the legal implication of same. I hereby find the Defendant guilty as charged for the sole count charge contrary to section 321 and punishable by 322 of the penal code law.

Kware – before sentence, may I apply for the gadget the convict was using for the commission of the crime which is in our custody now, we apply same be forfeited to the Federal Government to destroy same to serve as a deterrence to the further commission of the offence.

Talle – it includes one system laptop, 3 cell phone 2 I phone, one Samsung and Techno phone and one Apple watch used to answer phone call. It is not slated to the commission of the offence. Only the Samsung phone is used to commit the offence I urged the Court the convict is a 1st time offender and he did not waste the time of the Court he is remorse and base on my interaction with him he have promised not to participate in any crime activities and to temper Justice with mercy while punishing him.

Kware – our investigation only revealed the use of the Samsung in committing the crime now proved. So the others are useless not connected With the crime, we holds no objection releasing from our unit to the convict Except the Samsung. No record of previous conviction against the Defendant/convict.

Sentence:-

After I have listened counsel for the Defendant on her allocutus and the fact that out of the investigation record on the convict only the Samsung phone was confirmed to the commission of the crime. I sentence the convict to the payment of a fine of N150, 000 only or to serve a prison term of 2 years in the event he does not pay fine. In addition, I order the said Samsung phone he uses to chart with be confiscated by the prosecution in order to deter him from using it to further commit any other crime. While other be returned back to the convict.

More importantly, I order the convict to bail himself for a period of one year by providing a reasonable person to stand for his character and actions in the next coming year effect from the time the fine is paid. The surety shall signed necessary papers with the Registry of the Court. Where the relevant Agency will kept eyes on the actions of the convict.

Signed
Hon. Justice M. A. Sambo
Judge
26/10/2023

CERTIFIED TRUE COPY
ADAMU GARBA GITAL
ASST. CHIEF REGISTRAR
HIGH COURT OF JUSTICE
BAUCHI.

