

IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE BAUCHI JUDICIAL DIVISION

HOLDEN AT BAUCHI

THIS 20TH DAY OF NOVEMBER, 2023

BEFORE HIS LORDSHIP

HON. JUSTICE MUSA S. LIMAN

JUDGE

CHARGE NO. FHC/BAU/CR/51/2023

BETWEEN

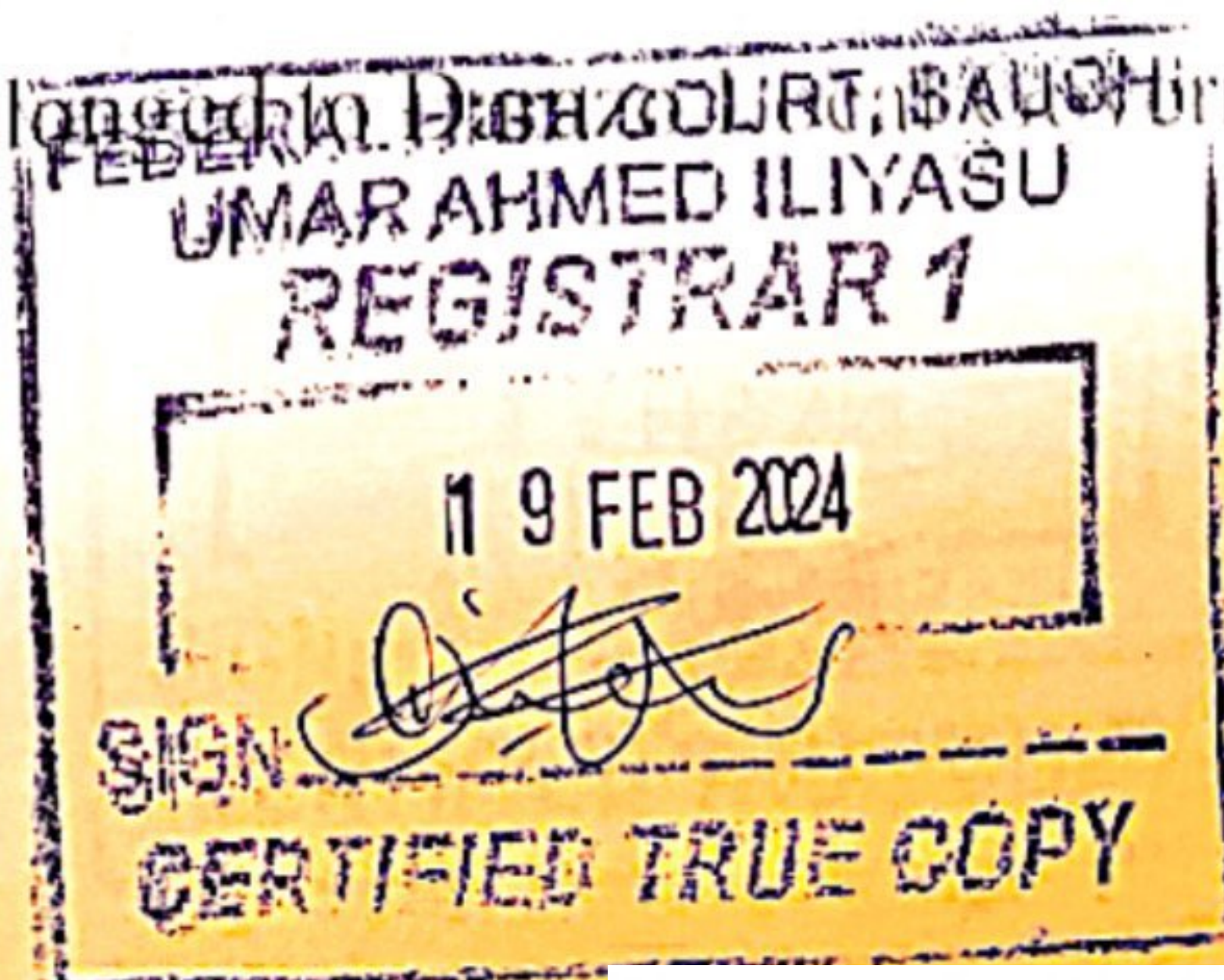
FEDERAL REPUBLIC OF NIGERIA-----COMPLAINANT

AND


HUSSAINI YUSUF-----DEFENDANT

SENTENCE

The convict was charge for contrary to S. 18 (2)b and 15(2) a money laundry (Prohibition) Act, 2022, 2022. The convict was arraigned before the court on a 2 count charge for conversion of the total sum of N26,500,000.00 which he concealed and disguise the origin of the fund which he deposited at his account number 6323411481 with Fidelity Bank. The said sum which belong to the Government is said



to be proceed of fund from unlawful activity. After the convict was arraigned he pleaded guilty to count 1 and pleaded not guilty to count 2 of the charge sheet dated 29th September, 2023. Before conviction on count 1, the prosecution applied to withdraw count 2 of the charge and the said count 2 was struck out and the convict was discharged. The prosecution counsel proceeded to review the case and tendered 3 set of documents namely: The statement of Account of Darazo Local Government with Fidelity Bank, the Statement of Account of the Convict and the Statement with the EFCC all of which were admitted and marked Exhibits PD1A, PD1B, PD2A – PD2H respectively after which the court convicted the defendant accordingly based on his plea of guilty. See DUKE ORJI VS FRN 2019 4 NWLR PT. 1663 PG. 480 SC, UCHE VS FRN 2021 4 NWLR PT. 1765 PG. 72. During the sentencing proceedings, the convict pleaded for mitigation of the sentence on the bases that he is currently not enjoying the best of his health as he needed to visit a doctor every 2 weeks, that he is a first offender and also undertake not to engage in such again. The counsel to the convict N.Z. Gambo Esq. urge the court to consider the fact that the convict pleaded guilty at the earliest opportunity and chose deliberately not to waste the precious time that would have been spent otherwise in full hearing and confirmed what the convict stated that he has refunded the entire sum included in this charge. On the part of the prosecution counsel, Abubakar Esq., he confirmed that indeed the convict is a first timer, refunded the entire sum and co-operated

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fully with the EFCC during investigations. In considering both the mitigation and aggravating factors as urged upon the court by S. 311(2) and 401(2) ACJA 2015, the facts that the convicts pleaded guilty at the earliest, co-operated with the investigation and is a first time offender should invue in favour of the convict especially as exposted in the case of AYAKA VS STATE 2020 3 NWLR PT. 1712 PG. 538 CA. the offence for which the convict was charged is punishable by a minimum of 4years and maximum of 14years or option of fine. It is trite that where a law gives discretion to the court to impose a minimum sentence and a maximum one, the court has discretion to impose the minimum sentence. See SANI VS STATE 2023 2 NWLR PT. 1867 PG. 79. The convict has refunded the entire sum involved is a major factor which weights on the court not to impose any sentence but to proceed to impose fine in lieu. See 422 ACJA 2015, the circumstances, the convict Hussaini Yusuf is order to pay the sum of N500,000.00 as fine. This is the sentence.

Gambo – We are most grateful for the minimum sentence.

SGD

JUDGE

20/11/2023

