

IN THE HIGH COURT OF JUSTICE OF SOKOTO STATE
IN THE SOKOTO JUDICIAL DIVISION
HOLDEN AT SOKOTO
ON THE 8TH DAY OF FEBRUARY, 2024
BEFORE HIS LORDSHIP:
HON. JUSTICE MOHAMMED MOHAMMED (JUDGE)

SUIT NO. SS/11^c/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA-----COMPLAINANT

AND

SAGIR SANI----- DEFENDANT

Appearances:

Y.K. Saidu Esq. for the prosecution. The defendant is in court and speaks English language.

S.D. Baraya Esq. with A.F. Hassan Esq. for the defendant.

Y.K. Saidu Esq: The matter is for mention. We have 17 counts charges filed on 31/1/2024 bordering the offence of *Criminal Breach of Trust* contrary to Section 300 of the Sokoto State Penal Code Law 2019 and punishable under Section 301 of the same law. We apply that the plea of the defendant be taken.

S.D. Baraya Esq: We are ready.

Court to the Registrar: Please read and explain the 17 counts charges to the defendant in English language for the purpose of taken his plea.

COUNT 1

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

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.

COUNT 2

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

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.

COUNT 3

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

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.

COUNT 4

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

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.

COUNT 5

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

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.

COUNT 6

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

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.

COUNT 7

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

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.

COUNT 8

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

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.

COUNT 9

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

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.

COUNT 10

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

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.

COUNT 11

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

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.

COUNT 12

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

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.

COUNT 13

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

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.

COUNT 14

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

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.

COUNT 15

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

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.

COUNT 16

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

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.

COUNT 17

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

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 of the ACJL of Sokoto State 2019, where a defendant pleaded guilty to a non-capital offence as in this case, the trial court is required to invite the prosecution to state the facts upon which the charge was framed to the hearing of the defendant with a view to ascertain whether the defendant intends to admit the truth of all the essential elements before he is convicted.

Consequent upon the foregoing, this court hereby invite the prosecution to state the facts upon which the charges were framed against the defendant to enable this court ascertain whether the defendant intends to admit the truth of all the essential elements of the offence before convicting him on the charges.

Y.K. Saidu Esq: By a petition lodged by one Abubakar Muazu Jodi on the 13/11/2023 at the EFCC Office, the defendant being the Managing Director of Kofar Kade & Sons General Merchant, the defendant was alleged to have cheated the company and misappropriated monies belongings to the company, and by that petition, the EFCC conducted investigation and found that the defendant culpable and decided to file this charges against him.

Court to the Defendant: Did you hear the facts upon which the charges were framed against you by the EFCC?

Defendant: Yes I heard the facts upon which the charges were framed against me.

Court to the Defendant: Does your plea of guilty relates to the facts as narrated by the prosecution?

Defendant: My plea of guilty relates to the facts as narrated by the prosecution.

Court to the Defendant: Do you still maintain your plea of guilty to all the 17 counts charges?

Defendant: Yes I still maintain my plea of guilty to all the 17 counts charges.

Court: By the provisions of Section 273 of the ACJL of Sokoto State 2019, where a defendant maintain his plea of guilty even after the prosecution has stated the facts upon which the charge is framed against the defendant, a trial court can convict the defendant upon his plea of guilty to the charge in consideration of consistency the defendant to his plea of guilty to the 17 counts charges even after the prosecution has stated the facts upon which the charges were framed, I am satisfied that the defendant not only understand the particulars of the charges against him, but also intends to admit the truth of all the ingredients of the offence of *Criminal Breach of Trust* punishable under Section 301 of the Sokoto State Penal Code Law.

Consequently I hereby found you Sagir Sani guilty of the offence of *Criminal Breach of Trust* punishable under Section 301 of the Sokoto State Penal Code Law 2019 as charged.

ALLOCUTUS

S.D. Baraya Esq: On behalf of the convict we urge this court to temper justice with mercy because the defendant is a first time offender. He is also a married man with 4 children with some other dependants. We as part of the family we have made adequate efforts to retribute the amount involved i.e. N17,961,500 to the victim. We urge this court to exercise discretion to impose non-custodial sentence by giving him option of fine to give us the opportunity of putting more efforts in liquidating the sum. Part of the money said to have been misappropriated arose due to the failures of some of his debtors to settle the monetary values of the goods they bought from him and one of the debtors is now deceased and the heirs are financially incapacitated and hence the convict has to pay. In view of this, we urge this court to temper justice with mercy. We also urge the court to exercise its discretion.

Y.K. Saidu Esq: While we are not opposing this court to temper justice with mercy, we concede that the convict is a first time offender. Our investigation also revealed that the convict is a married man with 4 children and other dependants. Our investigation particularly the convict's statement, did not show that the convict has some debtors connected to the money misappropriated by him. We have no objection to the given of option of fine to the convict. We also pray that the payment be made through the EFCC.

SENTENCE

Court: By the provisions of Section 310 (3) of the ACJL of Sokoto State 2019, a trial court while sentencing after conviction, is repaired to take into consideration all the aggravating and mitigating evidence and or information into consideration as a guide in deciding the extent and nature of the sentence to be imposed against the convict.

In sentencing the convict, this court has taken into consideration of the allocutus made by the defence counsel on behalf of the convict and the response of the prosecuting counsel in deciding the nature and extent of the sentence to be imposed on the convict.

By the wordings of Section 301 of the Sokoto State Penal Code Law 2019 under which the convict was convicted, the trial court has been given on discretion to whether give the convict an option of fine or a term of imprisonment.

Consequent upon the foregoing and in consideration of the provision of Section 415 (2) (d) and (k) of the ACJL of Sokoto State 2019, the sentence of this court upon you Sagir Sani for the offence of *Criminal Breach of Trust* punishable under Section 301 of the Sokoto State Penal Code Law 2019, is an option of fine of N100,000 or 3 years imprisonment in default. The convict is also adjudge to make a restitution of N17,961,500 to the victim through the EFCC. The sentence is to take effect from today.

Signed

**Hon. Justice Mohammed Mohammed
(Judge)
8/2/2024**

CERTIFY TRUE COPY:

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