

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN AT JABI ABUJA

DATE: 17TH DAY OF NOVEMBER, 2020
BEFORE: HON. JUSTICE M. A. NASIR
COURT NO: 9
SUIT NO: CR/115/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ----- COMPLAINANT

AND

AKADRI TEMITAYO (a.k.a SHIRLEY LOWLEY) ----- DEFENDANT

RULING

The defendant was arraigned before this Court on a one count charge contrary to Section 320 and punishable under Section 322 of the Penal Code Law. The charge reads:

“That you, Akadri Temitayo (a.k.a. Shirley Lowley) sometime in 2016 within the jurisdiction of this Court did fraudulently induced Keth Bobk a Canadian Citizen vial www.facebook.com and obtained the sum of \$2,400 (Two Thousand Four

Hundred Dollars) through United Bank for Africa with Account No. 2081926103 and thereby committed an offence contrary to Section 320(a) of the Penal Code, Laws of the Federation of Nigeria (Abuja) 1990 punishable under Section 322 of the same law.”

From the records of the Court the defendant was arraigned before my learned brother sitting as vacation Judge on the 19/12/2019. The defendant pleaded guilty to the charge and subsequently convicted and sentenced as per the plea bargain agreement on record.

Upon returning the case files to the Honourable Chief Judge, this case was assigned to this Court on the 1/6/2020. It is the same charge for which the defendant has been convicted and sentenced. Section 238(1)(a and b) of the Administration of Criminal Justice Act (ACJA), 2015 states as follows:

“(1) without prejudice to Section 226 of this Act, a defendant charged with an offence is not liable to be tried for that offence where it is shown that he has previously been:

(a) Convicted or acquitted of the same offence by a competent Court;

(b) Convicted or acquitted by a competent Court on a charge on which he might have offence charged; or...”

The record of the conviction and sentence from the vacation Court is in the file. Therefore the defendant cannot be charged again before this Court. Accordingly, this Court has no option but to dismiss the suit. Suit No. CR/115/19 is hereby dismissed.

Signed
Honourable Judge

Appearances:

Parties absent and not represented.

