

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN AT JABI ABUJA

DATE: 26TH DAY OF OCTOBER, 2020
BEFORE: HON. JUSTICE M. A. NASIR
COURT NO: 9
SUIT NO: CR/127/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ----- COMPLAINANT

AND

AUSTIN ISIBOR AISOSA (a.k.a John Haron) ----- DEFENDANT

RULING

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

“That you Isibor Aisosa Austin (a.k.a. John Haron) sometime in 2019 within the jurisdiction of this Court did fraudulently induce Regina Glueck, a German Citizen to deliver the sum of One Thousand,

One Hundred and Twenty Euros (1,120) to you which she would not have done but for your deceit by posing as one John Haron, an American military doctor using the Instagram handle 'John Haron' and you thereby committed an offence contrary to Section 320 and punishable under Section 322 of the Penal Code Cap 532 Laws of the Federation of Nigeria, 2004."

From the records of the Court the defendant was arraigned before my learned brother sitting as vacation Judge on the 20/12/2019 and he pleaded guilty to the charge. The Court went ahead to convict the defendant upon his plea of guilt and sentenced him accordingly.

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/127/19 is hereby dismissed.

Signed

Honourable Judge

Appearances:

Parties absent and not represented.