

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN AT JABI ABUJA

DATE: 26<sup>TH</sup> DAY OF OCTOBER, 2020  
BEFORE: HON. JUSTICE M. A. NASIR  
COURT NO: 9  
SUIT NO: CR/112/2019

**BETWEEN:**

FEDERAL REPUBLIC OF NIGERIA

----- COMPLAINANT

**AND**

EMAKHU PERFECT ODION (Alias Harry Wilson & Michael Brown)

----- DEFENDANT

**RULING**

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

*“1. That you, Emakhu Perfect Odion Alias Harry Wilson sometime in 2013, at Abuja within the jurisdiction of this Court by deceiving while pretending to be Harry Wilson a male Caucasian in order to facilitate your attempt to obtain*

*financial gains, through the means of email address [harrywilsonloanltd@gmail.com](mailto:harrywilsonloanltd@gmail.com) cheated by inducing various unsuspecting victims to deliver to you total sum of N1,570.00 by falsely representing to them that the said sum was for processing of a loan and that you thereby committed an offence contrary to Section 320(b) and punishable under Section 322 of the Penal Code Act, Laws of the Federation (Abuja) 1990.”*

*2. That you Emakhu Perfect Odion Alias Michael Brown sometime in 2014, at Abuja within the jurisdiction of this Court by deceiving while pretending to be Michael Brown a male Caucasian through the gmail platform [Perfectloancompany01@gmail.com](mailto:Perfectloancompany01@gmail.com), cheated by inducing one Antje J. Van Klei to deliver to you the total sum of \$2,815.00 (Two Thousand, Eight Hundred and Fifteen Dollars) by falsely*

*representing to her that the said sum was for processing of a loan and that you thereby committed an offence contrary to Section 320(b) and punishable under Section 322 of the Penal Code Act, Laws of the Federation (Abuja), 1990.”*

From the records of the Court the defendant was arraigned before my learned brother sitting as vacation Judge on the 23/12/2019. 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/112/19 is hereby dismissed.

Signed  
Honourable Judge

**Appearances:**

Parties absent and not represented.

