

IN THE HIGH COURT OF JUSTICE OF THE F.C.T.

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON TUESDAY, THE 17TH DAY OF JUNE, 2021

BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA
JUDGE

SUIT NO.: FCT/HC/CR/194/19

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ----- } **APPLICANT**

AND

ENERGY FIELDS NIGERIA LIMITED ----- **DEFENDANT**

BENCH JUDGMENT

In a lone amended Charge the Prosecution Counsel dropped the name of the 1st Defendant (Mr. Yinka Bello) in the 1st Charge in that the only Defendant in the Suit is Energy Fields Nigeria Limited.

In the said Charge filed on the 16th June, 2021 but dated 31/5/21 the Defendant is accused of issuing dud cheque to Habul Nigeria Limited.

The Charge was read to the Defendant and he pleaded Guilty. This Court therefore convicted it. It is imperative to state that where a Defendant pleaded guilty for an offence where the parties have agreed to Plea Bargain, the said Defendant is charged with a

lesser offense. That is exactly what has happened in this case. The Defendant which is a company had pleaded guilty to the offence in issue and this Court had convicted it. In time of sentence, the parties have agreed to a fine of Five Hundred Thousand Naira (₦500, 000.00) as contained in paragraph 5 of the Terms of the Plea Bargain Agreement. This Court had taken judicial notice of that paragraph in particular.

Since the parties have before all men today in this Court adopted the said Terms of Plea Bargain, this Court hereby will read out the said Terms as spelt out in the said Agreement and after enter same as Consent Judgment of the parties reached by Plea Bargain.

PLEA BARGAIN AGREEMENT

This Plea Bargain Agreement is made pursuant to Section 270 of the Administration of Criminal Justice Act, 2015 this 31st day of May, 2021 between Federal Republic of Nigeria (represented by the Economic and Financial Crimes Commission) and ENERGY FIELDS NIGERIA LIMITED.

WHEREAS:

1. The Defendant ENERGY FIELDS NIGERIA LIMITED is charged with the offence of issuance of dud cheque issued to Habul Nigeria Limited in the sum of Ten Million Naira (N10, 000,000.00) an offence contrary to section 1(1)a of the Dishonoured Cheque Offences Act Cap 102 laws of the Federation of Nigeria and punishable under section 1(1)b(ii) of the same Act 2007.

2. The Defendant through its Counsel has applied to the Commission for a Plea Bargain.
3. The Prosecution after due consultation with the Defendant Counsel has agreed to the request as stated hereunder.

IT IS HEREBY AGREED AS FOLLOWS:

1. That before the conclusion of this agreement, the Defendant was informed
 - I. That it has the right to remain silent.
 - II. Of the consequences of not remaining silent.
 - III. That it is not obliged to make any confession that could be used in evidence against it.
2. That the Defendant shall plead guilty to count 1 charge of issuance of dud cheque unlawful filed on 16th day of May before this Honourable Court.
3. That the cumulative sum of Ten Million Naira (₦10, 000,000.00) to have been paid to the victim.
4. That upon conviction, sentencing of the Defendant by this Honourable Court shall be sentenced according to the guidelines of this Honourable Court.
5. That upon conviction the Defendant shall be fined the sum of Five Hundred Thousand Naira (₦500, 000.00).

Once parties have agreed to Plea Bargain their way out of the case, the Court has no right to question them as long as the said terms completely settle the issue in dispute between the parties. All the Court can do is to chorus “AMEN” so be it. After that the Court will enter it as Consent Judgment of the parties by Plea Bargain.

The Court have read out the said Terms of Plea Bargain as set out by the parties, dated, signed, registered and adopted. The Court hereby enter same as Consent Judgment of the parties in this case between Federal Republic of Nigeria V. Energy Fields Nigeria Limited with the Suit No.: CR/194/19.

This is the Consent Judgment of this Court.

Delivered today the ___ day of _____ 2021 by me.

K.N. OGBONNAYA
HON. JUDGE