

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY,  
IN THE ABUJA JUDICIAL DIVISION,  
HOLDEN AT COURT NO. 8 APO, ABUJA.**

**BEFORE HIS LORDSHIP: HON. JUSTICE O. A. MUSA.**

**CHARGE NO: CR/19/2021**

**BETWEEN:**

FEDERAL REPUBLIC OF NIGERIA --- COMPLAINANT

**AND**

JAMES NICHOLAS O. --- DEFENDANT

**JUDGMENT**

**DELIVERED ON THE 18<sup>TH</sup> OCTOBER, 2021**

The defendant was charged with the following:-

That you JAMES NICHOLAS O. sometime in October, 2020 did cheat by fraudulently inducing Leongorman, Simon Everett and Backpainget to deliver the sum totaling One Million and Five Hundred Thousand Naira only to you under the guise of being a hacking expert and thereby committed an offence punishable under section 322 of the Penal Code Act, Laws of the Federation of (Abuja), 1990.

The case came up for hearing on 18/10/2021 the charge was read to the defendant and the defendant pleaded guilty to the charge.

The prosecutor Counsel informed the court that the parties have filed a plea bargain agreement dated 12/03/2021 both parties adopt same.

Having carefully considered the plea of guilt by the defendant therefore it is trite that where a person pleads guilty of committing an offence, it would be unnecessary to embark on full blown trial,

hence the issue of fairness or unfairness in regard to the hearing is of no moment. Hearing is foreclosed, the next and last procedural steps is to admit any evidence tendered by the prosecution and proceed to convict and sentence the defendant appropriately. See the case of SAMUEL AYO OMOJU Vs. FEDERAL REPUBLIC OF NIGERIA (2008) 7 NWLR (Pt.1085) 138.

At this juncture by the defendant's plea of guilt he has relieved the court of rigorous, lengthy and time consuming trial and also earned him the possibility of him enjoying leniency and a less stringent penalty. See the case of BAALO Vs. F. R. N (SC) 373/2012 (2016) NGSC 16 (3 JUNE 2016).

At this end by the combined provision of section 270 (9-10(a) and 11 of ACJA I adopt the plea bargain agreement of the parties, the defendant is hereby convicted and sentence as follows:

The defendant has pleaded guilty to the one count charge he is hereby convicted as charged.

The convict haven shown remorsefulness, with the promise that he will never indulge in such acts anymore, that he will be of good character and better son of Nigeria. Also been a fait offender the court has adopted the term of the plea bargain. Equally too, haven forfeited all items of the crime of the crime to the Federal Government of Nigeria.

He is hereby sentence to 2months imprisonment with an option of payment of fine of ₦50,000:00 (Fifty Thousand Naira) in lieu of imprisonment.

All items received from the crime are hereby forfeited to the Federal Government of Nigeria.

This shall be the Judgment of this court. I so hold.

**APPEARANCE**

Mariya Shariff, Esq. Holding brief of H.M. Mohammed Esq. For the prosecutor.

Adaji Ebel Esq. for the defendant.

Sign  
Hon. Judge  
29/09/2021