

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION**

HOLDEN AT HIGH COURT MAITAMA –ABUJA

BEFORE: HIS LORDSHIP HON. JUSTICE S.U. BATURE

COURT CLERKS: JAMILA OMEKE & ORS

COURT NUMBER: HIGH COURT NO. 24

CASE NUMBER: SUIT NO. FCT/HC/CR/316/2021

DATE: 11/5/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

FERDINARD CLETUS.....DEFENDANT

APPEARANCE:

Hadiza Efegbua Esq for the Prosecution.

H. M. Nuhu Esq with Ruth Joshua Mamza Esq for the Defendant.

Defendant present in Court.

JUDGMENT

Prosecution Counsel: We had earlier filed a charge but we have brought an amended Charge. Our humble prayer is to withdraw that charge and substitute it with the amended charge.

Nuhu Esq: Yes we've been served with the amended charge.

Court: The first charge with NO CR/316/2021 having been withdrawn is hereby struck out. It is hereby substituted with the amended charge CR/316/2021 dated 22nd of April 2022 but filed on the 25th day of April 2022.

Prosecution Counsel: Before My Lord is the amended charge with No. CR/316/2021 date 22nd of April 2022 but filed on the 25th of April 2022. The

charge has been served on the Defendant. We apply that the said amended charge be read over to the Defendant.

Court: Granted.

The one count amended charge has been read to the hearing of the Defendant.

Defendant do you understand the one count amended charge?

Defendant: I understand the one count amended charge.

Court: How do you plead to the one count amended charge?

Defendant: I plead guilty.

Prosecuting Counsel: in view of the Defendant's guilty plea we urge the Court to convict the Defendant and sentence him accordingly in accordance with the Plea Bargain agreement which is before My Lord. It was entered into voluntarily by the Defendant. We adopt the terms of the Plea Bargain agreement. We urge My Lord to adopt the said terms.

Nuhu Esq: That is the position. The Defendant voluntarily entered into the plea bargain agreement and has fully complied with all the requirements for plea bargain. He has forfeited the phone he used to attempt to cheat.

Court: Defendant did you enter into the agreement voluntarily? Were you coerced in any way to enter into the agreement?

Defendant: No. I entered into it voluntarily.

Court:

CONVICTION

Since the Defendant and entered into the Plea Bargain agreement voluntarily without any coercion whatsoever and having pleaded guilty, he's hereby convicted as charged for the offence of attempting to cheat contrary to Section 95 of the Penal Code Act, Laws of the Federation (Abuja).

ALLOCUTUS

Nuhu Esq: The Convict Pleaded guilty at the earliest possible time. We urge My Lord to view it as a sign of Remorse.

The convict has co-operated fully with the prosecution from his arrest to his bail and he has never missed signing in as such My Lord the convict is a first time offender. He does not have any Criminal record or antecedent. The convict is a very young man who will do better if my lord chooses to reform this convict. So, we urge My Lord most humbly to consider reformative measures as opposed to grave punitive measures.

We urge My Lord to temper justice with mercy in sentencing the Defendant.

Convict: I'm sorry I won't do it again. I am a changed person.

Prosecution Counsel: I'm not aware of any previous record.

SENTENCE

In passing this sentence I've considered the Allocutus of Learned Defence Counsel Nuhu Esq on behalf of the Convict. I've equally considered the Allocutus of the Convict and the fact that he has shown remorse.

Moreso, I've considered the Plea Bargain agreement made pursuant to Section 270 of the ACJA 2015 dated 21st day of April, 2022.

Now, since the convict is a first time offender, has co-operated with the prosecution from the inception of this case and has shown remorse and readiness to mend his ways, I hereby sentence the convict to an Imprisonment term of (6) Six months, or to pay a fine of **₦100,000.00**.

Signed:

***Hon. Justice S. U. Bature
11/5/2022.***