

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE BAUCHI JUDICIAL DIVISION
HOLDEN AT BAUCHI
ON WEDNESDAY THE 4TH DAY OF MAY, 2016
BEFORE HIS LORDSHIP HONOURABLE JUSTICE M.SHITU ABUBAKAR

CHARGE NO. FHC/BAU/67C/2015

BETWEEN

FEDERAL REPUBLIC OF NIGERIA COMPLAINANT

AND

ABDULLAHI ADAMU DEFENDANT

Judgment

The Defendant who was not represented by counsel was arraigned before this court on a two count charge which read as follows:

COUNT 1

That you **Abdullahi Adamu**, male, 22years, on or about the **12th day of May, 2015** at **Awala Tipper Garage Bauchi, Bauchi State**, within the jurisdiction of this Honourable Court, dealt in 2.5kilogrammes of cannabis Sativa, a narcotic drug, similar to Cocaine, Heroin and LSD without lawful authority and thereby committed an offence contrary to and punishable under section

11c of the NDLEA Act Cap N30 of the Laws of the Federation of Nigeria 2004.

COUNT II

That you **Abdullahi Adamu**, male, 22years, on or about the **12th day of May, 2015** at **Awala Tipper Garage Bauchi, Bauchi State**, within the jurisdiction of this Honourable Court, dealt in 30grammes of Diazepam tablets, a Psychotropic substance similar to Cocaine, Heroin and LSD without lawful authority and thereby committed an offence contrary to and punishable under section 11c of the NDLEA Act Cap N30 of the Laws of the Federation of Nigeria 2004.

On 15th February, 2016 when the charge was read over and interpreted to the defendant in his vernacular he pleaded guilty to both counts. In view of the plea of guilty entered by the defendant the prosecution counsel, Bundi Suleiman Esq. applied for adjournment to another date to enable him review the facts of the case. The application was granted and the matter was thus adjourned to 22/3/16 for the review of the facts.

On the appointed date the prosecution counsel informed the court that the defendant was arrested on 12th May, 2015 at Awala Tipper Garage, Bauchi while being in possession of 2.5kg of dry weeds suspected to be Cannabis Sativa and 30grammes of Diazepam tablets psychotropic substance similar to cocaine, heroin and LSD. He then tendered Exhibits A – H in evidence and urged the court to convict the defendant on his own plea of guilty and the additional evidence. While Exhibit D is the Drug Analysis Report, Exhibit G is the confessional statement of the defendant which he made in the course of interrogation. On his own part the defendant did not give any cause or reason why he should not be convicted of the offences with which he is charged and which he pleaded guilty.

In the Nigerian Criminal Justice System, whenever a plea of guilty is entered by a defendant S.274 (2) of the Administration of Criminal Justice Act, 2015 must come into play for it is the only statutory provision which dealt directly with the issue. The section provide as follows:-

⁶⁶ Where the court is satisfied that the defendant intends to admit the truth of all the essential elements of the offence for which he

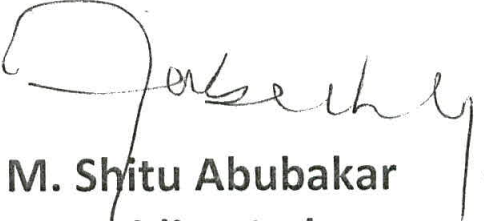
has pleaded guilty, the court shall convict and sentence him or make such order as may be necessary, unless there shall appear sufficient reason to the court.”

See also the cases of EDOWU VS STATE (2001) NWLR (PT. 680)48 at 49; YESUFU VS STATE (1976) N.S.C.C. 307; KOIKI VS STATE (1976) N.S.C.C. 151 and KAYODE VS STATE (2008)1 NWLR (PT. 1068) 281 in which the Supreme Court re-stated the principles that a defendant can be convicted on his own plea of guilty provided the plea was voluntary and unambiguous.

From what transpired in court I am satisfied that the defendant has understood the meaning of the charge in all its essentials ingredients and also the effect of his plea. I am also satisfied that the plea was quite voluntary and unambiguous and by it the defendant intended to admit the commission of the offences with which he is charged and which he pleaded guilty. I am further satisfied that the defendant did not show any cause or reason why he should not be convicted of the offences with which he is charged and which he pleaded guilty. I have finally studied the additional evidence adduced by the prosecution counsel particularly Exhibit D which proved by chemical analysis that what

was found on the defendant were actually Cannabis Sativa and Diazepam both hard drugs similar to cocaine, heroin and LSD.

Consequently I find the defendant guilty of having committed the offences contained in the charge sheet. Accordingly I convict the defendant of the offence of unlawful dealing in Cannabis Sativa, a narcotic drug similar to cocaine, heroin and LSD contrary to S. 11(c) of the NDLEA Act Cap. N30, LFN 2004 as amended. I also convict defendant of the offence of unlawful dealing in Diazepam tablets, a psychotropic substance similar to cocaine, heroin and LSD under the same S. 11(c) of the aforesaid law.



M. Shitu Abubakar
Presiding Judge

04/05/2016

Allocutus

Court: Do you wish to call witness to give evidence as to your good character?

Convict:- No

Court:- Do you want to make allocutus so that the court will be merciful in sentencing you?

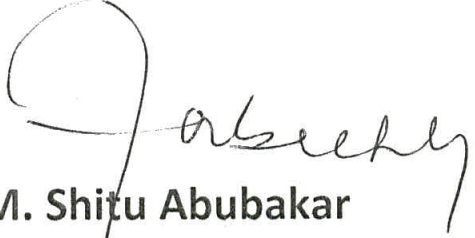
Convict: - Yes, I plead for leniency and I promise never to commit any offence. My mother is not well and I am the only person that helps her. I am a first offender in my life.

Suleiman: - There is no record of previous conviction.

Sentence

Court: - I have considered the plea for mitigation of sentence and the fact that the convict is a first offender. I have also considered the quantity of the drugs found on the convict as well as the punishment of the offence which the defendant has committed; and I am ready to be lenient to the convict.

Accordingly, the convict is sentence to 4years (four years) imprisonment on each of the 2 counts. The sentences shall run concurrently and will take effect from 12th day of May, 2015 when he was first arrested. The drugs shall be kept by the NDLEA Exhibit keeper for security reason.


M. Shitu Abubakar
Presiding Judge
04/05/2016