

IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE BAUCHI JUDICIAL DIVISION

HOLDEN ADT BAUCHI

ON MONDAY THE 20TH DAY OF MARCH, 2017

BEFORE HIS LORDSHIP HONOURABLE JUSTICE M.
SHITU ABUBAKAR

JUDGE

CHARGE NO FHC/BAU/48C/2016

BETWEEN

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

IBRAHIM GARBA A.K.A. DANCICILA.....DEFENDANT

JUDGEMENT

The defendant is charge with a one count charge as follow:

That you Ibrahim Garba aka Dancicila male, 21 years, on or about the 18th day of July, 2016 at Azare, Katagum Local Government Area Bauchi State, within the jurisdiction of this Honourable Court, was found in possession of 450grammes of cannabis sativa, a narcotic drug, similar to Cocaine, Heroin and LSD without lawful authority and there by committed an offence contrary to

and punishable under section 19 of the NDLEA Act Cap N30 laws of the Federation 2004.

On 18/01/2017 when the charge was read over and interpreted to him in his vernacular he pleaded guilty to it.

In view of the plea of guilty the prosecuting counsel, B. Suleiman Esq. applied for the case to be adjourned to another date to enable him review the facts of the case and the application was granted and thus the case was adjourned to today for the review of facts.

Today being the appointed day the prosecution counsel tendered the dry weeds in questions, the Drug analysis Report and the confessional statement of the defendant in evidence and same were admitted in evidence as Exhibit A, B, and C respectively.

Learned counsel for the prosecution then urge the court to convict the defendant on his plea of guilty and the additional evidence adduced before the Court.

On his part the defendant did not show any cause or reason why he should not be convicted of the offence with which he is charged and which he pleaded guilty.

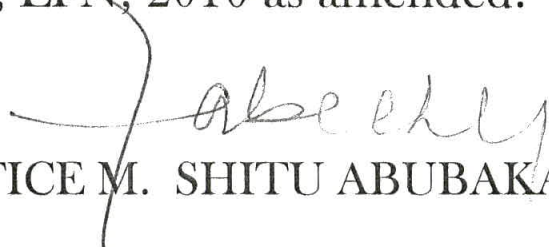
By the provision of Section 274 (2) of the ACJA 2015 and plethora of Supreme Court decisions, a defendant can be convicted on his own plea of guilty

provided the plea is voluntary and unambiguous and by it the defendant intends to admit the commission of all the essentials ingredients of the offence.

From what transpired in Court before me both on 18/01/2017 and today I am satisfied that the defendant has understood the meaning of the charge in all its essential ingredients and also the effect of his plea. I am also satisfied that the plea of the defendant is quite voluntary and unambiguous and by it he intended to admit the commission of the offence with which he is charged and which he pleaded guilty. I am further satisfied that the defendant has no cause to show why he should not be convicted.

Further more I have studied Exhibit A, B and C and by Exhibit B I am satisfied that the dry weeds found on the defendant was actually Cannabis Sativa a hard drug similar to Cocaine and Heroin. I therefore find the defendant guilty of being in unlawful possession of 450grammes of Cannabis Sativa. Accordingly I convict the defendant of the offence of being in possession of Cannabis Sativa a hard drug similar to Cocaine and

heroin without lawful authority contrary to Section 19 of the NDLEA Act, Cap. N30, LFN, 2010 as amended.



HON. JUSTICE M. SHITU ABUBAKAR

PRESIDING JUDGE

20/03/2017

Allocutus

Court: Do you wish to make allocutus

Convict: I pleaded for leniency. I am a student and I do help my parents. I do not know it is a great offence. I will never commit another offence. I am a first offender. I do smoke but do not sell.

Suleiman: There is no record of previous conviction against the convict.

Sentence.

Court: I have considered the allocutus made by the Convict. In particular I have considered the fact that the convict is a student and also a first offender. I have also considered the small quantity of the drugs found on the convict which is 450 grams. For these reasons therefore I am ready to be merciful and lenient to the convict.

Accordingly the convict is sentence to one year (1yr.) imprisonment with effect from 18/1/2017. The Cannabis Sativa should be kept by the NDLEA Exhibit keeper for security reason.

HON. JUSTICE M.SHITU ABUBAKAR

PRESIDING JUDGE

20/03/2017