

IN THE FEDERAL HIGH COURT OF NIGERIAIN THE BAUCHI JUDICIAL DIVISIONHOLDEN AT BAUCHION THURSDAY THE 22RD DAY OF MARCH, 2017BEFORE HIS LORDSHIP HONOURABLE JUSTICE M.SHITU ABUBAKAR

CHARGE NO. FHC/BAU/52C/2016

BETWEEN

FEDERAL REPUBLIC OF NIGERIA COMPLAINANT

AND

AMINU SANI..... DEFENDANT

Judgment

By a charge dated and filed on 15th December, 2016, the Defendant herein was charged with one count charge as follows:

That you **Aminu Sani**, male, 30years, on or about the **1st day of June, 2016** at **Nassarau village, Ningi Local Government Area, Bauchi State**, within the jurisdiction of this Honourable Court, was found in possession of 1.5kilogrammes 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.

On 17th January, 2017 when the charge was read over and interpreted to the defendant in his vernacular he pleaded guilty to it. In view of the plea of guilty the prosecution counsel, Bundi Suleiman Esq. applied for the case to be adjourned for review of facts. The application was granted and the matter was thus adjourned to 14/3/17 for review of facts.

On the appointed day the prosecution counsel by way of review of fact of the case told the court that on 1st day of June, 2016 at **Nassarau village, Ningi Local Government Area, Bauchi State** the defendant was found in possession of 1.5kg of dry weeds suspected to be Cannabis Sativa, a narcotic drug similar to cocaine, heroin and LSD. The prosecution counsel then tendered the bulk of the dry weeds, the report analysis report and the confessional statement of the defendant (which was written in Hausa together with its English translated version) as Exhibits A, B & C respectively. Learned counsel for the prosecution then urged the court to convict the defendant on his plea of guilty and the additional evidence adduced before the court.

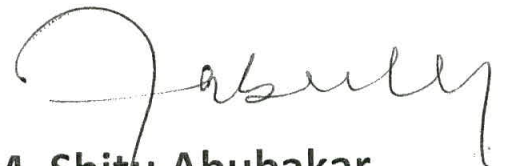
On his part, the defendant did not show any cause or reason why he should not be convicted of the offence with which he is charged and which he pleaded guilty.

By the provision of S.274 (2) of the Administration of Criminal Justice Act, and plethora of Supreme Court decided cases a defendant can be convicted on his own plea of guilty provided the plea is voluntary and unambiguous and by it he intends to admit the commission of all the essential ingredients of the offence with which he is charged and which he pleaded guilty. See the cases of NKIE VS FRN (2014) ALL FWLR (PT. 754)178 S.C and KAYODE VS STATE (2008)1 NWLR (PT. 1068)281 S.C.

From what transpired in court both on **17/01/2017** and **14/03/2017**, 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 of the defendant is quite voluntary and unambiguous and by it he intended to admit the commission of the offences with which he is charged. I am further satisfied that the defendant has no cause to show why he should not be convicted of the offence.

I have further studied all the additional evidence adduced before the court. In particular I have studied Exhibit B which is a chemical analysis which proved beyond doubt that the dry weed found on the defendant was actually Cannabis Sativa.

Consequently I find the defendant guilty of being in possession of Cannabis Sativa, a narcotic drug similar to cocaine, heroin and LSD without lawful authority. Accordingly I convict the defendant of the offence of possession of Cannabis Sativa, a narcotic drug similar to cocaine, heroin and LSD without lawful authority contrary to S. 19 of the NDLEA Act Cap. N30, LFN 2004 as amended.



M. Shitu Abubakar
Presiding Judge
22/3/2017

Allocutus

Court: Do you wish to say anything in mitigation of sentence.

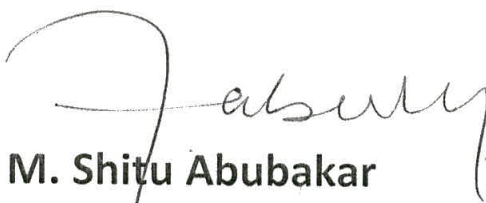
Convict: - I beg for leniency because my mother is a blind woman. I have also lost my father when I was under detention. I promise never to commit another offence. I am a first offender in my life.

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

Sentence

Court: - I have considered the Allocutus made by the convict particularly the fact that the convict has an aged blind mother under his care. I have also considered the quantity of the Cannabis Sativa found on the convict which by no means is not small quantity. I have also considered the gravity and punishment for offence which is punished with 15years imprisonment. However despite all these I am ready to temper justice with mercy since the convict is remorseful and promised not to commit similar or any other offence in the future.

Accordingly, the convict is sentence to 4years (four years) imprisonment and the sentences shall take effect from the 1st day the convict was first arrested, that was 1st day of June, 2016. The Cannabis Sativa shall be returned to the NDLEA Exhibit keeper for security reason.


M. Shitu Abubakar
Presiding Judge
22/03/2017