

**IN THE FEDERAL HIGH COURT OF NIGERIA**  
**IN THE BAUCHI JUDICIAL DIVISION**  
**HOLDEN AT BAUCHI**  
**ON MONDAY THE 23<sup>RD</sup> DAY OF MAY, 2016**  
**BEFORE HIS LORDSHIP HONOURABLE JUSTICE M.SHITU ABUBAKAR**

**CHARGE NO. FHC/BAU/87C/2014**

BETWEEN

**FEDERAL REPUBLIC OF NIGERIA ..... COMPLAINANT**

**AND**

**SULAIMAN MUHAMMADU..... DEFENDANT**

**Judgment**

The defendant was arraigned before this court on a one count charge which read as follows:

That you **Sulaiman Muhammadu**, male, adult, on or about the **23<sup>rd</sup> day of September, 2014** at **Tashan Maiturare close to Rimin Zayam, Toro Local Government Area, Bauchi State**, within the jurisdiction of this Honourable Court, was found in possession of **7.850kilogrammes** 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 Laws of the Federation of Nigeria 2004.

On 24<sup>th</sup> February, 2016, when the charge was re-read over and interpreted to the defendant in his vernacular he pleaded guilty to it and he did not give any cause or reason why he should not be convicted of the offence.

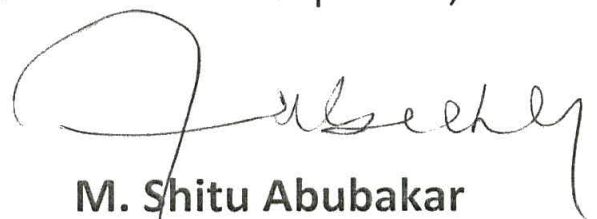
By the provision of S.274 (2) of the Administration of Criminal Justice Act, and plethora of Supreme Court decisions, a defendant can be convicted on his own plea of guilty provided the plea is voluntary and unambiguous and by it he intends to admit the commission of all the essential ingredients of the offence with which he is charged and which he pleaded guilty.

From what transpired in court both on **24/02/2016** and **23/03/2016**, I am fully 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 was made voluntary and by it he intended to admit the commission of all the ingredients of the offence with which he is charged and which he pleaded guilty. I

am further satisfied that the defendant did not give or show any cause why he should not be convicted of the offence with which he charged and which he pleaded guilty.

Finally I studied Exhibit A, B and C tendered by the prosecution counsel Bundi Suleiman Esq. and I have no doubt that the dry weed found on the defendant was actually Cannabis Sativa, a narcotic drug similar to cocaine, heroin and LSD because it tested positive for cannabis as per Exhibit A, that is the Drug analysis Report.

Consequently I find the defendant guilty of being in possession of Cannabis Sativa without lawful authority. Accordingly I convict the defendant of the offence of being in 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**

**23/5/2016**

## **Allocutus**

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

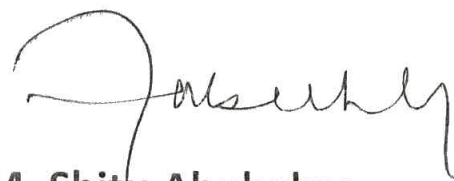
Convict: - I beg for leniency because I am a first offender and I did not know it is an offence to sell Cannabis Sativa. I have 2 wives with 12 children and I have an aged blind father. I am the bread winner of the family. If the court gives me an opportunity I will never commit another offence.

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

## **Sentence**

Court: - I have considered the plea for mitigation of sentence by the convict and the fact that the convict is a first offender. I have also considered the fact that the convict is a family man with 12 children and aged and blind father 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. Finally I have considered the punishment for the offence and I am ready to be lenient and merciful to the convict. Accordingly, the convict is sentence to Five years (4years) imprisonment with effect from the

day he was first arrested that was **23/9/2014**. The Cannabis Sativa recovered from the convict shall be kept by the NDLEA Exhibit keeper for security reason pending the lapsing of the period of Appeal. If the convict is not satisfied with the decision he is free to Appeal against the court's decision within 3 months from today.



**M. Shitu Abubakar**  
**Presiding Judge**  
**23/05/2016**