

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE BAUCHI JUDICIAL DIVISION
HOLDEN AT BAUCHI
ON WEDNESDAY THE 8TH DAY OF MARCH, 2017
BEFORE HIS LORDSHIP HONOURABLE JUSTICE M.SHITU ABUBAKAR

CHARGE NO. FHC/BAU/56C/2016

BETWEEN

FEDERAL REPUBLIC OF NIGERIA COMPLAINANT

AND

IBRAHIM HARUNA A.K.A BIRJIK..... DEFENDANT

Judgment

The Defendant is charged with a one count charge as follows:

That you, Ibrahim Haruna a.k.a Birjik, male, 31years, on or about the 24th day of November, 2016 at Dass Motor Park, Dass Local Government Area, Bauchi State, within the jurisdiction of this Honourable Court, was found in possession of 180grammes of Tramadol tablets, a psychotropic substance, similar to Cocaine, Heroin and LSD without lawful authority and thereby committed an offence contrary to and punishable under section 19 of the NDLEA Act Cap N30 Laws of the Federation of Nigeria 2004.

On 16/1/2017 when the charge was read over and interpreted to him in his vernacular he pleaded guilty to it. The prosecution counsel B. Suleiman Esq. then prayed the court to adjourn the case for review of facts and the application was granted and the case was thus adjourned for review of facts.

Today being the resumption date the prosecution counsel tendered Exhibit A, B & C in evidence in his effort to further prove the case against the defendant.

Exhibit A is the drug analysis report which proved by chemical analysis that what was found on the defendant was actually Tramadol a psychotropic substance similar to cocaine and heroin.

On the part of the defense neither the defendant nor Hassan Yarima of counsel for the defendant showed any reason why the defendant will not be convicted of the offence with which the defendant is charged and which he pleaded guilty.

By the provision of S. 274 (2) of the Admin of Criminal Justice Act 2015, and the decision in KAYODE VS STATE a defendant can be convicted on his own plea of guilty provided the plea is voluntary

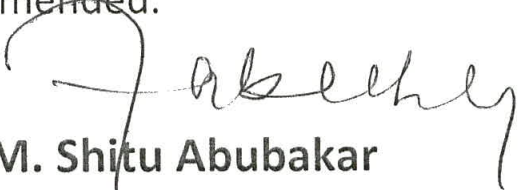
and unambiguous and by it the defendant intends to admit the commission of the offence with which he is charged.

From what transpired on 16/1/2017 and today before me 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 by his plea the defendant intended to admit the commission of the offence with which he is charged and which he pleaded guilty.

I am further satisfied that neither the defendant nor his counsel has shown any reason why the defendant will not be convicted.

What more, I have further read the additional evidence adduced by the prosecution i.e Exhibit A, B & C and I am fully satisfied that the defendant was found in possession of Tramadol tablets, psychotropic substance similar to cocaine and heroin without lawful authority. I therefore find the defendant guilty as charged.

Accordingly I convict the defendant of the offence of unlawful possession of Tramadol which is hard drug similar to cocaine and heroin contrary to S. 19 of the NDLEA Act, Cap. N30, LFN, 2004, as amended.


M. Shitu Abubakar
Presiding Judge
08/03/2017

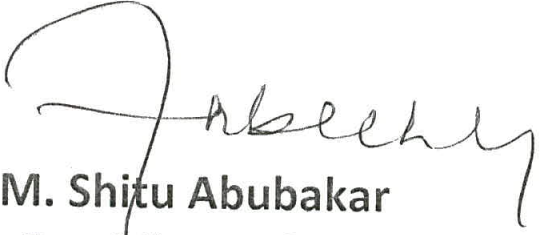
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Yarima:- We pray the court to temper justice with mercy by mitigating the punishment. The convict is a first offender and has shown some remorse. The convict is a family man. So we urge the court to temper justice with mercy. I pray the court to give option of fine to the convict instead of sending him to prison.

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

Sentence

Court: - I have considered the plea for mitigation of sentence made by Hassan Yarima Esq. of counsel for the convict. In particular; I have considered the fact that the convict is a first offender and also a family man. I have also considered the small quantity of the drugs found on the convict. Accordingly, the convict is sentence to three years (3 years) imprisonment and the sentence shall take effect from the day the convict was first arrested, that was 24th day of November, 2016. The drugs shall be kept by the NDLEA Exhibit keeper for security reason.


M. Shitu Abubakar
Presiding Judge
08/03/2017