

EXHIBIT 6B 4

IN THE CHIEF DISTRICT COURT OF THE FEDERAL CAPITAL
TERRITORY

HOLDEN AT WUSE ZONE 6, FCT ABUJA

BEFORE HIS WORSHIP HON. EMMANUEL IYANNA

ON THE 20TH DAY OF DECEMBER, 2022

SUIT NO: CR/94/2022

MN/156/22

BETWEEN:

MR. EDET GODWIN ETIM- - -. COMPLAINANT

AND

PASTOR UMO BASSEY ENO - - - DEFENDANT

JUDGEMENT

The action is commenced vide an application for issuance of Direct Criminal complaint against the defendant, pursuant to Section 88 (1), Section 89 (3) and Section 110 (I) (C) of the ACJA 2015 and under the inherent jurisdiction of this Honourable Court. Upon receipt of the complaint and due consideration of the content of the complaint and having some good reason(s) adduced in the complaint for believing that the defendant is linked with the Commission of the alleged offence(s); the court issued a criminal summons against the defendant; which summons was served on the defendant, for the offences of cheating and dishonesty inducing delivery of property contrary to and punishable under Section 325 of the PCL.

The compliance through the prosecutor in proof of his case called three (3) witnesses as PW1, PW2 and PW3 respectively and tendered Exhibits in evidence.

The PW1, one Edet Godwin Etim witness statement on Oath in support of the complaint dated 28th day of November, 2022 and filed on the same date was sought and adopted as the witness oral evidence before the court; and the documents averred admitted in evidence.

The PW2, one Eshiet Ubong, male, witness statement on Oath in support of the complaint dated and filed the 28/11/22 was sought and adopted as the witness oral evidence on Oath before this court.

HIGH COURT OF JUSTICE, ABUJA	
FCT, ABUJA	
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Name.. Mrs. <i>[Signature]</i>	
Rank.. <i>[Signature]</i>	
Signature <i>[Signature]</i>	Date: 9/1/23
Court No. Magistrate	

The PW3, one Mr. Henry Harcourt, male witness statement on Oath in support of the Complainant dated and filed the 28/11/22 was sought to and was adopted as the witness oral evidence on Oath before this court.

The provisions of Section 325 of the penal code provides;

“Whoever cheats and thereby fraudulently or dishonestly induces the person deceived to deliver any property to any person or to make, alter or destroy the whole or any part of a document of title or anything which is signed or sealed and which is capable of being converted into a document of title, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine”.

The evidence of PW1 the Complainant in summary is to the effect that, since 2005, he have been working with the defendant as a catering staff for Exxon Mobil producing Nigeria unlimited via contracting service of the defendant's company Royalty Hotels &Recreations Ltd, and that the defendant converted the sum of N15,227,000.00 being wages due to him and refused to pay him; despite several demands. That the defendant upon repeated demands and protest in company of other workers working in the defendant's Hotel who were suffering the same fate requested to have a round table discussion with the Complainant on the 2nd day of April, 2007, rather that on this date in the course of the meeting the defendant ordered his security agents to lock the Complainant inside the Hotel premises and was there for 7 days without access to his phones or contact with his family. That it took the intervention by the authorities of Exxon Mobil producing for his released and get the suspension on him lifted.

That the defendant in October 2010, paid him a paltry sum of N227,000.00 leaving the unpaid balance of N15,000,000.00.

The PW1, stated that he then instructed his lawyer to write the defendant to pay him his due entitlement in April, 2022 and that failure to comply will warrant legal actions against him, as a result of which the defendant resulted to series of threats against the Complainant, since the defendant knew and believes the Complainant have in his possession certain documents that can prove his unlawful conversion of workers wages amongst other information.

That on the 7th day of July, 2022, the defendant met Mr. Eshiet Ubong in the presence of Mr. Henry Harcourt at Transcorp Hilton Hotels Abuja within the Jurisdiction of this Honourable Court wherein the defendant attempted to and induced him (the Complainant) with a promise of payment and further induced Mr. Eshiet Ubong with monetary inducement to monitor the Complainant (PW1) at

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close range so as to look into the Complainant's android phone known as Techno Spark 4 so as to delete all electronic documents of title relating to the dispute between him and the Complainant concerning the wages that the defendant converted to himself, or if possible that he should steal Complainant's android telephone and bring same to him. Hence, that on the 6/7/22 the defendant had communicated via email with Henry Harcourt seeking to obtain assurances that he will convince Eshiet Ubong to delete information from the Complainants phone or better still, steal the telephone and bring to him (i.e) the defendant).

At the close of which the matter was adjourned for PW1 to be cross-examine by the defendant.

PW2, Mr. Eshiet Ubong in evidence stated that he knows the Complainant and that he also worked with Exxon Mobil producing Nigeria unlimited as a service contract staff where he met and knew the Complainant and the defendant in this suit very closely. That on the 6/7/22, the defendant in this case approached his (PW2) having received a letter from the Complainants lawyer demanding the payment of his wages. That the defendant on that date 6/7/22, discussed the contents of the latter written by the Complainant's lawyers and appealed that we should use our relationship with the Complainant to see how the Complainant can withdraw his intention from taking any legal action with respect to the Complainant's monies he (the defendant) converted to himself.

That unknown to him (PW2) and his friend (PW3) it was a scheme by the defendant to use them to find a way in destroying any facts or evidence that the Complainant will use to prove his case in court.

And that on the same 6/7/22, he (PW2) was told by (PW3) Henry Harcourt that via an email the defendant communicated with Mr. Henry Harcourt that he should assume him (the defendant) that he (Henry Harcourt) could convince me to delete information from the Complainants phone or in the alternative destroy the said phone.

That to (PW2) greatest shock on the 7/7/2022 the defendant invited them to his hotel suite No. 1055 and Transcorp Hilltop Hotel Maitam Abuja, and made a U-turn and demanded that he (the defendant) will pay them sum of N2 Million addition if they can get the evidence deleted from the Complainant's phone or possibly steal the phone and bring same to him so as to delete all electronic does of title relating to the wages he converted to himself.

At the close it PW2 evidence, the matter was adjourned for cross-examination of PW2 at the instance of the defendant.

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The PW3, Mr. Henry Harcourt in evidence under Oath, stated he is a friend to Mr. Eshiet Ubong, a friend of the Complainant in this suit.

That both the Complainant and the defendant are personally known to him. That the defendant approached him on the 6/7/2022 to approach his friend Mr. Eshiet Ubong upon receiving a letter from the Complainant's lawyer demanding the payment for his wages with resolving the issues of dispute between him and the Complainant.

That the defendant on the same 6/7/2022, discussed the content of the letter written by the Complainant lawyer and appealed that (PW3) should use my relationship with my friend Mr. Eshiet Ubong (PW2) to persuade the Complainant to his intention from taking any legal action against him (the defendant), who promised to pay the Complainant monies he converted to himself.

That unknown to him and his friend, the defendant schemed to use them to find a way of destroying any facts or evidence that the Complainant will use to prove his case in court.

That on that same 6/7/22 via an email the defendant communicated with him and assured me if I can convince my friend Mr. Eshiet Ubong to help in deleting information from the Complainant's phone or in the alternative destroying the said phone.

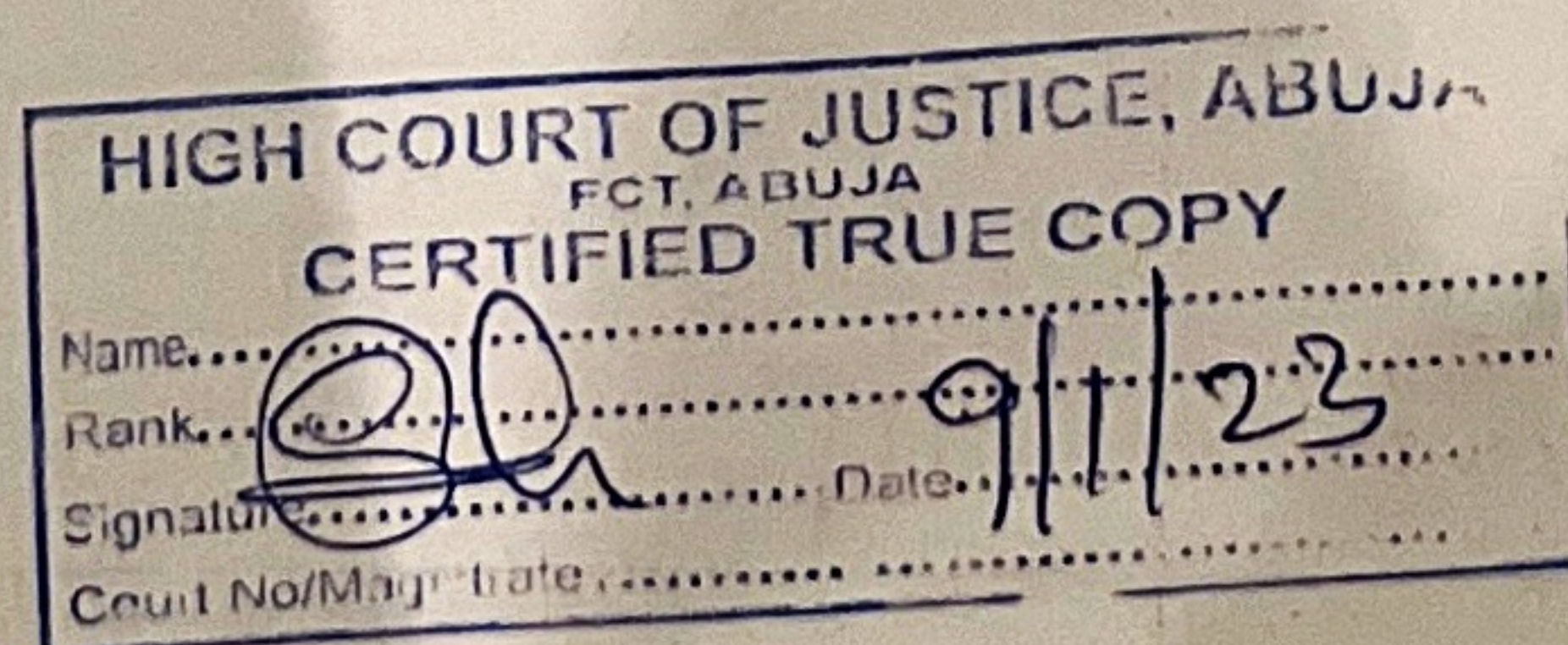
That on the 7/7/2022, the defendant invited me and Eshiet Ubong to his Hotel suite No. 1055 at Transcorp Hilltop Hotel Maitama Abuja and promised to pay us money if we can get the evidence deleted from the Complainant's phone and bring same to him so as to delete all electronic documents of title relating to the wages he converted to himself.

At the close, the matter was adjourned for cross-examine of PW3.

The defendant was served with several hearing notices as ordered by the court but never deemed it necessary to appear to enter defence or cross-examine the prosecution witness or enter defence. Since there must be an end to litigation and pursuance to Section 135 (1) (a) of ACJA 2015, the personal attendance of the defendant was dispensed with and the matter proceeded.

As can be gleaned from the facts of the case before this court, the offence of cheating and dishonestly inducing delivery of property contrary to and punishable under Section 325 of the penal code can be said to have been proven; upon the prove of elements of the offence so alleged.

1. That the defendant cheated some person.



2. That the defendant was under a legal obligation to protect the interest of that person.
3. That the cheating was related to the legal obligation, and
4. That the defendant knew that he was likely to cause wrongful loss to such person.

I must not fail to state, that, it is well settled that any circumstantial evidence to support the conviction of the offence charged, that evidence must be credible, cogent, consistent and unequivocal and leads to a no conclusion other than the guilt of the person charged with the offence.

In the instant case as can be gleaned from the evidence, the complaint has in evidence demonstrated that the defendant deal with and attempted to use, deal with and attempted to induce the PW2 and PW3 to use, deal with or act upon things that are capable of being used as material facts or evidence of a wrong he had caused against the Complainant. See **AKINBISADE. V. THE STATE (2006) LPELR 342 (SC)**.

In this circumstance therefore, a prima facie exist with evidence sufficient enough to support the allegation made against the defendant in this case. It means a presumption of guilt is made against the defendant. The inference that can be drawn from the whole gamut and history of the complaint commenced and the defendant's refusal and or failure to appear in court despite service of the processes of court on the defendant is to say the least very uncourteous, as it only point to the fact that the defendant committed the offence. As it's trite law that facts not controverted and or debunked are deemed admitted.

Worthy of note, is that, within the legal principles quitting the process of conviction; this court is imbued with Jurisdiction to adjudge the guilt of a punishable offence as in the instant case. See **MOHAMMED.V. OLAWUNMI (1993) 4 NWLR (PT 287) 254 (SC)**.

The refusal of the defendant to take his plea for the defendant's failure and refusal to appear does not ipso facto render the trial a nullity.

In view of the facts and evidence before this court, the Complainant has been proven beyond reasonable doubt, as evidence in this procedure has been both circumstantial and corroboration and shows or tend to show not merely that the offence was committed, but that it was committed by the defendant in the instant case. This I so hold.

See **DAGAYGA. V. STATE (2006) 7 NWLR (PT 980) 647** and **OGUNBAYO. V. STATE (2007) 8 NWLR (PT 1035) 157 (SC)**.

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This court had been magnanimous in granting adjournments at the instance of the defendant and has been ordering that notices and processes be served on the defendant at every stage of the trial, this is on the need to accord fair hearing and the spirit of justice on all parties but the defendant chose not to appear.

The constitutional principle of fair hearing is for both parties in the litigation. It is not only for one of the parties. Fair hearing according to the law envisages that both parties to a case be given opportunity of presenting their respective cases without let or hindrance from the beginning to the end as in the instant case. Opportunities were afforded all parties.

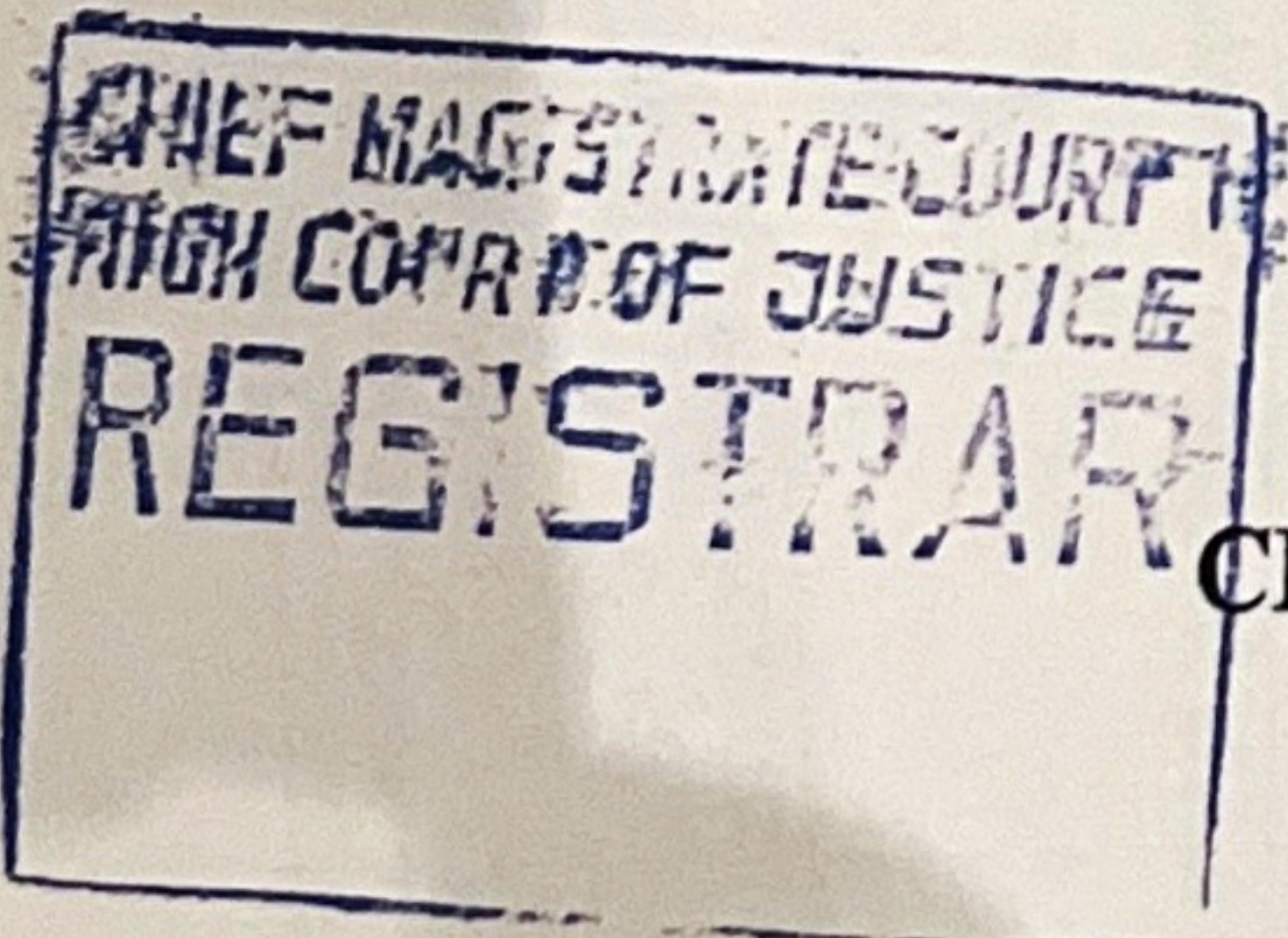
Therefore, on the circumstances and facts of the instant case as can be gleaned and the essential element of the offence established and the complaint proven beyond reasonable doubt to ground conviction. The complaint having proven guilt of the defendant.

The defendant is therefore proven guilty and is hereby convicted of the offence of cheating and dishonestly inducing delivery of property contrary to Section 325 of the penal code law, cap 89, laws of Nigeria 2004.

This is to serve as deterrent to him and to persons of his like mind. Bench warrant is hereby issued against the accused person.

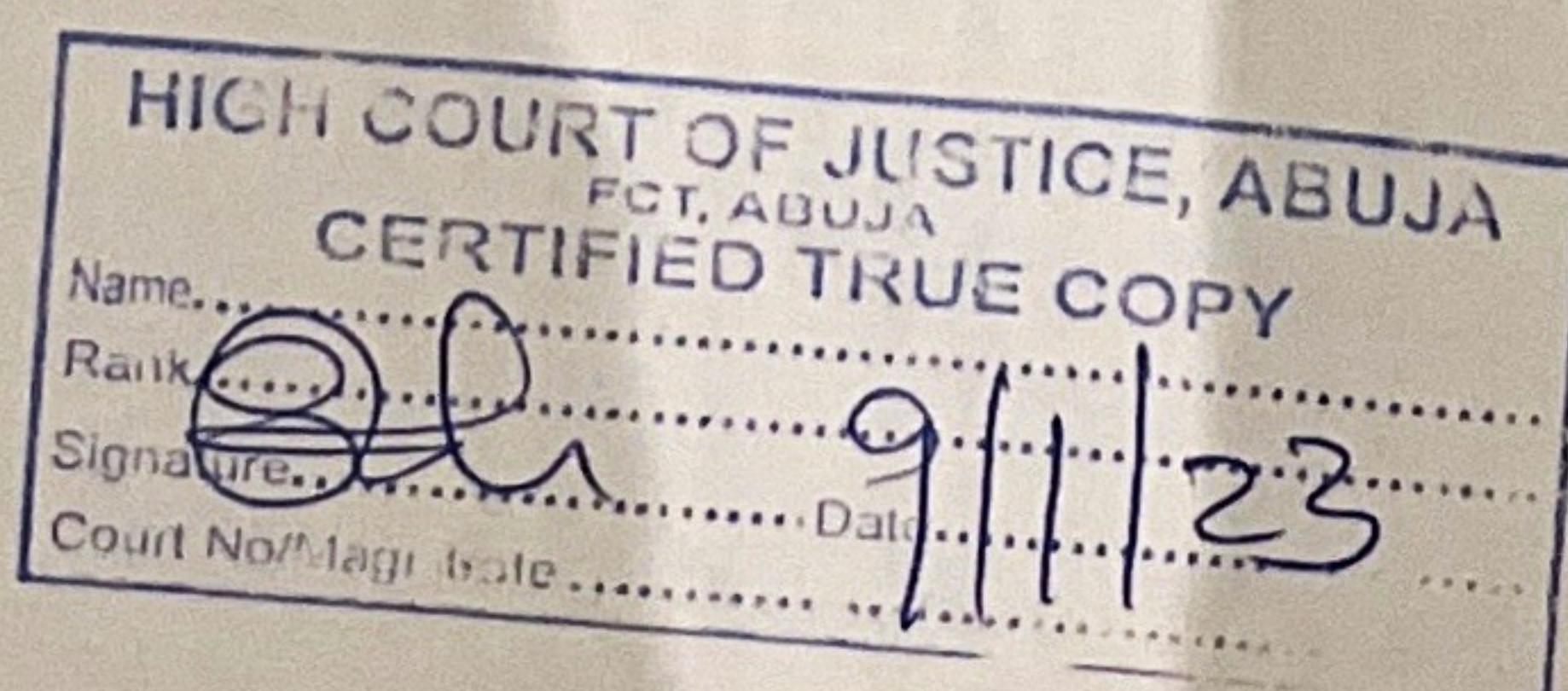
The court shall impose sentence only when the accused person is arrested or surrenders to the custody of the court, pursuance to Section 325 (1) & (5) of ACJA 2015. This I so hold.

Signed:



CHIEF MAGISTRATE COURT JUDGE

20/12/2022



CERTIFICATE OF JUDGMENT
IN THE CHIEF DISTRICT COURT OF THE F.C.T ABUJA. IN THE ABUJA MAGISTERIAL DIVISION.

HOLDEN AT WUSE ZONE 6, FCT-ABUJA
BEFORE HIS WORSHIP HON. EMMANUEL IYANNA

Title of suit and Date of Commencement	Form of Nature of Suit	Name and address of party to whom payment is to be made or whose favour judgment is given or made	Name and address of party ordered to pay monthly or to do or not to do any act	Date of Judgment	Date of abstract of judgment starting amount (if any order to be paid the rate of interest if any) payable thereon and the date from which it is payable and particulars of any act ordered to be done or not to be done.
CR/94/2022	CONTRACT	MR. EDET GODWIN ETIM Law Icons (Solicitors+Notaries) Left Flat, 1 st Floor, No.37 Yaounde Street, Wuse Zone 6, Abuja, Nigeria. Email:Lawiconssolicitors@gmail.com	PASTOR UMO BASSEY ENO Royalty Hotels & Recreation Ltd, 74/76 EketOron Road at Eket, Akwalbom State. Email: egroyalty@yahoo.com	20/12/2022	Accordingly Judgment is hereby entered for the Complainant against the defendant Subsequently order made as follows: <ul style="list-style-type: none"> The defendant is therefore proven guilty and is hereby convicted of the offence of cheating and dishonestly inducing delivery of property contrary to Section 325 of the penal code law, cap 89, laws of Nigeria 2004. This is to serve as deterrent to him and to persons of his like mind. Bench warrant is hereby issued against the accused person. The court shall impose sentence only when the accused person is arrested or surrenders to the custody of the court, pursuant to Section 325 (1) & (5) of ACJA 2015. This I so hold.

I hereby certify that this certificate correctly and fully sets forth the particulars of judgment given in this Court on this 20th December, 2022 in suit wherein Mr. Edet Godwin Etim the Plaintiff and Pastor Umo Bassey Eno the defendant.

Dated at Abuja this day 23 of Dec 2022

HIGH COURT OF JUSTICE, ABUJA
 EST. ABUJA
CERTIFIED TRUE COPY
 Name: Mr. Edet Godwin Etim
 Rank: Magistrate
 Signature: [Signature]
 Date: 23/12/22
 Court No/Magistrate: 911/23

CHIEF MAGISTRATE COURT
HIGHEST OF JUSTICE
REGISTRAR
[Signature]
911/23