

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL HEADQUARTERS
HOLDEN AT ABUJA
ON WEDNESDAY THE 28TH DAY OF MARCH, 2012
BEFORE HIS LORDSHIP, HON. JUSTICE A. BELLO
JUDGE

CHARGE NO: FHC/ABJ/CR/12/2012

BETWEEN:

NIGERIAN COPYRIGHT COMMISSION:::::COMPLAINANT

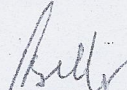
AND

DOMINION KALU:::::ACCUSED

Accused Present in Court. Speaks English.

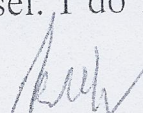
A.T. Kohol Esq. DPP, with S. Dimowo Esq. and J.I Ogbonna Esq for the Pros.

A.T Kohol: The matter is arraignment. But we filed an amended charge dated 27/3/2012. We wish to substitute the initial charge with the amended charge. We have served it on the Accused Person. We apply that the amended charge be read to the Accused for her plea.


A. BELLO
JUDGE
28/3/2012

Court: Would the Accused need to be represented by a Counsel?

Accused: I do not have a Counsel. I do not intend to have one – I am ready to take my plea.


A. BELLO
JUDGE
28/3/2012

FEDERAL HIGH COURT
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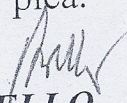
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ABUJA

12/9/14
Fatima Abdullahi
SGO GN

Court: The initial charge brought against the Accused Person which was filed on 31/1/2012 is struck out while the amended charge should now be read to the Accused Person for her plea.


A. BELLO
JUDGE
28/3/2012

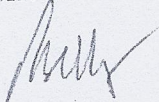
Court: Charge read over and explained to the Accused Person in open Court.

Accused: I understand the charge read over and explained to me.

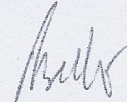
Court: Do you plead guilty or not guilty?

Accused: I plead guilty to Count 1

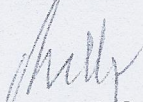
Accused: I plead not guilty to Count 2.


A. BELLO
JUDGE
28/3/2012

A.T. Kohol: In view of the guilty plea of the Accused Person to Count 1, I wish to withdraw Count 2 in the charge.


A. BELLO
JUDGE
28/3/2012

Accused: I do not oppose the withdrawal of Count 2 of the charge by the prosecutor.


A. BELLO
JUDGE
28/3/2012

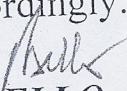
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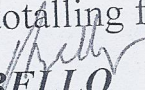
Court: The application to withdraw Count 2 in the charge by the Prosecutor is hereby granted. Accordingly Count 2 in the charge is struck out and the Accused discharged accordingly.


A. BELLO
JUDGE
28/3/2012

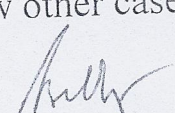
Pros: Subject to the convenience of the Court we are ready to review the facts in Count 1.

The facts of this case are as stipulated in Count 1 of the charge. We seek to tender in evidence from the bar, the following exhibits:

1. The cautionary statement of the Accused Person.
2. The list of inventory of the infringed CDs and DVDs found in her custody and the CDs and DVDs totalling five hundred copies.

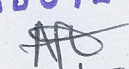

A. BELLO
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A.T. Kohol: May I apply that while the copies are being counted, our matter can be stood down to allow other cases to be mentioned.

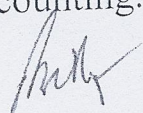

A. BELLO
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28/3/2012

Court: I appreciate the concern of the Learned Counsel for the Prosecutor on the need to hear other cases but we deal with cases one at a time. So since proceedings are going on in this matter, it is not neat to stand down the case while counting is going on, moreso, when our

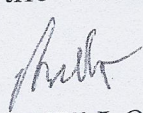
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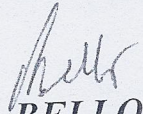
attention will be distracted by the counting.


A. BELLO
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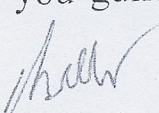
Court: The cautionary statement of the Accused and the list of inventory of items recovered from her are received in evidence and marked as exhibits 1 and 2, while the whole of the 502 CDs and DVDs are to be marked as exhibit 3.


A. BELLO
JUDGE
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Pros: Based on the guilty plea of the Accused and the additional evidence produced before the Court, we urge the Court to convict the Accused Person.

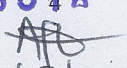

A. BELLO
JUDGE
28/3/2012

Court: Since you plead guilty to the 1st count in the charge after it was read over and explained to you in open Court and I am quite satisfied that you did so after you understood the charge and the effect of your plea and in view of the additional evidence tendered and received by the Court supporting the charge, I now find you guilty of the offence and convict you accordingly.

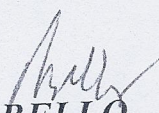

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Court: Do you understand the conviction?

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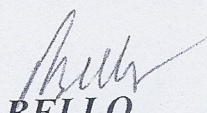

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Convict: I understand the conviction


A. BELLO
JUDGE
28/3/2012

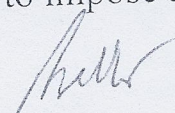
Court: Do you have any plea for mitigation of sentence?

Convict: I am a widow. I started this illegal business when I lost my husband. I do not have any other thing doing except selling the CD's to cater for my children. And since this happened I have not been able to cope with school fees and the house rent. I have two kids and I am the only one to take care of them. I promise I will not engage in the selling of the CDs again. I plead for forgiveness.


A. BELLO
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Court: Any record:

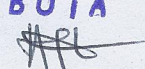
Pros: None to my knowledge. I wish to draw attention of the Court to section 20(2)(c) of the Copy Right Act Laws of the Federal Republic of Nigeria. The punishment provided is N100 for every copy dealt with in contravention to this section or to a term of imprisonment. But I believe that even though the law provides for N100 per copy, the Court has discretion to reduce the amount or to impose a sentence of a fine.


A. BELLO
JUDGE
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Court: **SENTENCE**

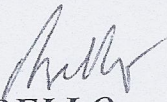
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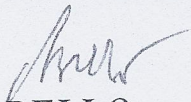

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I have considered the plea made by the Convict for leniency and the fact that she is a first offender. I have also considered her situation of being a widow with some children to look after and I am almost tempted to say go home and sin no more but for the law which stipulates that a sentence must be imposed. From the tone of the Learned Prosecutor, it is obvious that he too, is indirectly making a plea on behalf of the Convict.

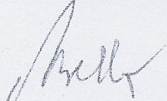
I am persuaded by the proposition of the law that one of the attributes of sentencing is to reform the Convict and not to destroy him. I am therefore prepared to give the Convict a liberal sentence based especially on her promise not to engage in the crime for which she was found guilty and convicted. I sentence her 6 months imprisonment with an option to pay a fine of ₦20, 000:00


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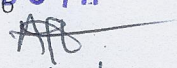
Pros: I apply under section 20(5) of the Copy Right Act for the release of the copies of the infringing materials exhibit 3 for destruction by the Complainant.


A. BELLO
JUDGE
28/3/2012

Court: The 502 copies of the infringing materials recovered from the Convict are confiscated and forfeited to the Complainant. The recovered items marked exhibit 3 are to be released to the Complainant for destruction accordingly.


A. BELLO
JUDGE
28/3/2012

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SEO (GN)