

IN THE HIGH COURT OF JUSTICE OF THE F.C.T.

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON WEDNESDAY, THE 25TH DAY OF JUNE, 2020

BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA

JUDGE

SUIT NO.: FCT/HC/CR/11/19

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ----- PROSECUTION

AND

MBAERI ANSELEM CHUKWUMA ----- DEFENDANT

BENCH JUDGMENT

The Defendant in this Suit has been accused of cheating by obtaining money fraudulently from 4 different persons:

- (1) Raymond Eggers of USA - \$3400
- (2) Mohammed of Saudi Arabia - \$2300
- (3) Abel of United Arab Emirate - \$2000
- (4) KACI - \$2300

This was sometime in 2018.

He was arraigned before this Court on a 4 (Four) Count Charge. He pleaded guilty to all the 4 Counts.

Before the arraignment the parties have filed a Plea Bargain Settlement. In the said Settlement, they

stated that the Defendant had issued a Cheque of Three Hundred Thousand Naira (N300, 000.00) Access Bank Cheque dated 7/10/19. They attached the Cheque to the said Plea Bargain Settlement.

They had equally stated that the Defendant had also forfeited his RAV 4 JEEP SUV which he bought with the proceed of the crime.

A closer look at the Plea Bargain Settlement shows that there is no signature of the Investigating Officer or any other Officer from the Economic and Financial Crime Commission (EFCC).

Also the Court had noted that in the Plea Bargain the Defendant had only reflected plea of Guilty on 2 Counts instead of 4 Counts.

The Prosecution Counsel and Defendant Counsel had pointed out that it is a fundamental oversight and that they will correct same. The Court had stated that unless it see the correction, the outcome of the Judgement will not take effect.

The Court had also recorded the Defendant Counsel on his Allocutus for and on behalf of the Defendant hoping that parties live up to their promises to effect the said correction as promised.

It is imperative to note that the offence of Cheating – Cyber Crime is rampant and a great dent on the integrity of our country. There is an outcry from the

public and polity and even God Almighty is against same.

Today the Defendant have pleaded Guilty to the said crime he is convicted of all the offences as contained in Charge as already recorded in the Proceeding of today the 25th day of June, 2020.

The Court had recorded the Defendant Counsel make his Allocutus as I said earlier. The Court had also recorded the Prosecution response thereto.

It is imperative to state that a crime is a crime. The Defendant is already a Convict notwithstanding the Plea Bargain. The only thing with Plea Bargain is that it only affects the Sentencing in that the person is sentenced to a lesser offence. That means that the hammer of the Court is not raised high as it should ordinarily be if there was no Plea Bargain.

Going by the said incomplete Plea Bargain, the Court will and hereby Sentence the Defendant - Mbaeri Anselem Chukwuma as follows:

That you Mbaeri Anselem Chukwuma is hereby sentenced to 90 (Ninety) days Community Service with effect from today the 25th day of June, 2020.

You should ensure that you report to the Community Office before commencing and after completing the said service each day, ensuring that

you sign in and out of the Register indicating the time you started and the time you leave each day.

This is the Bench Judgement of this Court.

Delivered today the ___ day of _____ 2020 by me.

**K.N. OGBONNAYA
HON. JUDGE**