

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

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT ZUBA, ABUJA**

**ON MONDAY THE 1<sup>ST</sup> DAY OF JULY, 2024**

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

**SUIT NO.: FCT/HC/GWD/CR/42/2024**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA        ----    COMPLAINANT**

**AND**

**DANIEL BENJAMIN                        -----        DEFENDANT**

## **BENCH JUDGMENT**

On the 5<sup>th</sup> day of April, 2024 the Economic and Financial Crimes Commission (EFCC) filed a lone charge against a young Nigerian by name Daniel Benjamin. In the charge they accused him of impersonation, a crime under **S. 321 of the Penal Code Act** and punishable under **S. 324 of the same Act.**

He was accused of pretending to be one Jasonmomoa\_priv a Hawaiian citizen. It was an act done via Instagram social medial account. From the impersonation he obtained the paltry sum of **\$900 (Nine Hundred United State Dollars)** deceptively from one Catherine Rose who he deceived. But

luck ran out of him and he was nabbed by the men of the EFCC. The proceed of the crime was recovered and the instrument of the crime, i-Phone 14 max was also recovered from him.

He was arraigned before me today in this Court and he took a plea of GUILTY after the charge was read and he was asked to take a plea. His lawyer had done the traditional Allocutus in which he said that the Defendant is a first time offender, had indigent mother, had turned a new leaf, had taken JAMB and felt remorse for the crime. The Defendant Counsel had repeatedly stated that the Court should tamper justice with mercy and give a non-custodial sentence to the Defendant as, according to the Defendant Counsel, our Correctional Facilities are already overwhelmed. He cited **S. 416 (2) (k) of the ACJA** as well as **S. 311 (2) (c) of the same ACJA 2018**.

The Prosecution Counsel had applied for the instrument of the crime to be forfeited to the Federal Republic of Nigeria and the Defendant Counsel had said that they do not object to that. The Defendant Counsel had equally noted that the proceeds of the crime was already seized and already forfeited.

It is the law and has been the global practice that upon arraignment and plea of guilty, that Court shall not waste time but to convict the Defendant or uphold the Defendant guilty plea. Once that is done the Defendant becomes a Convict and no longer a Defendant. Where that is the case, the Defendant Counsel will be given chance to do the

traditional Allocutus before the Court passes the sentence on the Convict. That is the situation in this case. The Defendant Counsel had done so.

As already summarized, the Convict had pleaded Guilty, there is no need for the Prosecution to establish the case against him. His Counsel – Defendant Counsel had stated repeatedly that he is a first time offender. And in everything in life there is a first time. First time one is conceived, born, cry, walk, run, go to school – primary, secondary and university, first time to own a phone, create a social media account, reach out on social media, plan to cheat by impersonation and actually cheating, plan to deceive and actually deceived his victim, get money from the victim through the impersonation, cash out the money and tracked by EFCC or other Security Agencies and get nabbed, arrested and detained, arraigned and he take a plea of Guilty. Hence, there is first time for everything – action or inaction, legitimate or illegitimate under the earth.

It is imperative to state that Correctional Facilities is not a place of punishment but as the name goes, a place to correct persons who have decided for reason best known to them, to be miscreant or social misfit and who have forgotten the value of freedom and who also have by their action dented the society badly. The essence of sending a Convict to Correctional Facility is to correct the person and make the person to know the value of freedom. Oftentimes, after the experience, the person is better for it and will know that there is nothing better than being law abiding.

No Security Agency can incarcerate a person for being law abiding and no Court will convict a person for obeying the law.

Today the Defendant Counsel had pleaded for and on behalf of the Defendant who is aged 19 years though no document to support that. At age 19 years the Defendant is no longer a minor. He is no longer a boy but a man and an adult.

There is no justification for a 19 years old boy to create a social media link and impersonate and collect paltry sum of **\$900 (Nine Hundred United State Dollars)** and be charged to Court and feign to be innocent and remorseful. The question is, if the security agency did not nab the Defendant would he have been remorseful? Of course not.

Today this Defendant Counsel had presented him in a light of near innocence but the question is, should non-custodial sentence be the best for the Defendant and the society at large bearing in mind that even Nigerians who have not committed any crime are treated with utter disdain everywhere in the world as criminal. Even countries who we are better than and which we used to give aid to, now mistreat our citizens because of issues of impersonation.

Of course non-custodial sentence will not be the best for this young man. It is the most humble view of this Court that it will be best for the Defendant to serve the sentence term in the Correctional Facility so that he will learn a lesson that will guide him in the rest of his life.

The Defendant, Daniel Benjamin having pleaded Guilty to the offence of cheating by impersonation is hereby convicted for the said offence.

In that wise, this Court also sentences him to a term of 2 years imprisonment to be served at the Suleja Correctional Facility.

**This is the Bench Judgment of this Court.**

**Delivered today the \_\_\_\_ day of \_\_\_\_\_ 2024 by me.**

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