

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT NYANYA- ABUJA

THIS MONDAY THE 25TH DAY OF NOVEMBER, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/940/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

ALUKA MICHAEL (AKA KIR BURRIS)..... DEFENDANT

ARRAIGNMENT

Offence cheating by personation section 321 punishable under section 324 of the penal code.

Defendant present in court

Applicant Maryam Aminu Ahmed for the prosecution

Defence G. J. Akot for the defendant.

Prosecution: the matter is for arraignment on a charge dated 21/09/2024 and filed on the 12/11/2024 has been served on the defendant and we apply that the charge be read to him to enable him take his plea.

Court/clerk read the charge to his hearing.

Court: the charge is read and explained to the defendant.

The defendant is asked to answer to the said charge.

Defendant: do you understand the charge

Defendant yes I do

Court: are you guilty or not guilty

Prosecution: in view of the defendant's plea, we urge the court to convict him accordingly.

Court: Allocutus pray the court to temper justice with mercy. I am 18 years old, SS 3 graduate of government secondary school Bukuru in Benue State.

Counsel: that the court should temper justice with mercy and into the court in sentencing the convict to consider option of fine.

Prosecution: following the investigation by EFCC, a SPARK 8 TECHNO PHONE recover from the convict urge the court to make the order that the said item be sold by the EFCC and money realized to send to the account of the FGN consolidated

SENTENCE

I have a carefully listened to the allocutus made by the convict and the addendum by the defence counsel since the offence in question is punishable by the main offence I shall proceed and sentence the convict for the offence punishable under section 324 of the penal code.

Hence the convict is hereby sentenced to 1 year imprisonment or he is to pay a fine of N100, 000. The phone recovered from the convict is hereby confiscated and I order the phone to be sold and whatever realized after sale be deposited to the FGN consolidated account through the office of EFCC.

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Hon. Justice A. Y. Shafa