

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT NYANYA- ABUJA**

**THIS MONDAY THE 28<sup>TH</sup> DAY OF OCTOBER, 2024**

**BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI**

**SUIT NO: FCT/HC/CR/608/2024**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT**

**AND**

**BISHARA KWAGAM BENNET..... DEFENDANT**

Offence: section 321 of the Penal Code law.

Defendant presentation court

Prosecution UsuhStephineAbieyuwa for the Prosecution EFCC

Defendant: M. D. Kidi for the defendant

Prosecution before the court is a one count charge dated the 2-07-2024 and filed on the 4/2/ 2024. We Apply that the charge be read to the defendant to enable him take his plea. The defendant speaks English language.

Court: the charge is read and explained to the defendant. The defendant is called upon to reply to the one count charge

Court: defendant do you understand the charge read and explained to you?

Defendant yes I do

Court: defendant are you guilty or not guilty?

Defendant I am guilty

Prosecution: defendant having pleaded guilty to the charge, we pray that the court convict the defendant as charged.

## CONVICTION

I am satisfied that the defendant having understood the one count charge read and explained to him and pleaded guilty.

This court will adopt the plea of guilty by the defendant and convict the defendant for the offence of fraudulent impersonation punishable under section 324 of the Penal code.

Allocutus:

I am very sorry for all the things I have done, i promise that it well not repeat itself again. That it was peer pressure that made me to commit the offence and for me I made a very wrong decision, because I found that it was not right and made my money in a very illegal way.

Defence: that it is very sad and very disrespectful to the court that at his age the defendant is too small to allow peer influence, which has made the defendant to be a victim.

However, the defendant has been remorseful ever since and throughout the investigation process has shown even to the prosecution that he is sorry for the offence because of the trauma he had made the parent to go through.

That I want the court to temper justice with mercy with an option of fine.

Prosecution: the defendant has restituted the sum of N\$300 dollar and his techno Canon which was used in the commission of the crime.

The said money and the phone will be auctioned and the proceeds paid to the consolidated recovery account of the FG through the office of the EFCC.

Court: Prosecution do you have any evidence of the convict's previous conviction?

Prosecution none to my knowing.

Sentence:

I have carefully gone through the allocutus made by the convict and that of the defence counsel to the convict. Where in the allegation the defence counsel prays the court to temper justice with mercy as the convict has shown remorsefulness with the officer of the EFCC and prays that the court give the convict the option of fine.

More else that the proceed of the crime, the sum of \$ 1300 recovered from the convict and the tecnoCamon used to commit the crime has been recovered from the convict.

I am not in doubt that the convict has been remorseful and his appearance before the court and being a young boy sending the convict to prison will not be in the interest of the justice system but will make him become more hardened.

Based on the foregoing I shall grant the convict an option of fine.

Hence the convict is hereby sentenced to 6 months imprisonment or he is to pay a fine of N100, 000

SIGNED

JUGED

28/10/24

The \$300 dollars received from the convict: the prosecution is to pay same to the USA embassy to be given to the victim and receipt to that effect be forwarded to the court in alternative, the money is paid to the FG's consolidated account.

Through the office of the EFCC and the receipt of payment be filed before this court as for the techno Camon phone, it is ordered that it should be sold and the proceed paid to the FG consolidated account and receipt to that effect be forwarded to this court for record purpose.

SIGNED

JUDGE

One month is given to the office of the EFCC to produce the receipt of payment of both the \$ 300 and that of the techno Camo.

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**Hon Justice A. Y. Shafa**

FINE PAID: ONE HUNDRED NAIRA ONLY

RECEIPT NUM: 13190702

28/10/2024

