

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT NYANYA- ABUJA

THIS MONDAY THE 16TH DAY OF DECEMBER, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/1015/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

EMEKA THANKGOD (Roby Picker)..... DEFENDANT

ARRAIGNMENT

Defendant: present in court

Offence: cheating by personation section 321 punishable under section 324 of the Penal court.

Appearance: Mariam Aminu Ahmed for the Prosecution.

Defendant: Nnamdi Akunneto for the defendant

Prosecution: the matter is slated for arraignment on a charge dated the 05-12-2024 and filed on the 5/12/2024 which has been served on the defendant. We Apply that the charge be read to the defendant to enable him take his plea.

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

Court: defendant do you understand the said one count charge.

Defendant yes I do

Defendant are you guilty or not guilty

Defendant: I am guilty.

Prosecution: in view of the defendant plea humbly apply that the court convict the defendant.

CONVICTION

I am satisfied that the defendant having understood the content of the one count charge of the offence of cheating and admitted same knowing fully well the consequences of his admission. This court will accept the guilty plea made by the said convict for the offence of cheating by personation, the offence punishable under section 324 of the penal code law triable by this court.

Prosecution: following the investigation carried out by the Commission iPhone 13 pro max and vivo Y20 were recovered from the convict apply to tender same in evidence urging the court to make an order that the item be confiscated and further order the court to make an order that the item be sold by the EFCC and make an order of the sum of \$300 to be restituted by the convict and paid to the proceeds account of the Federation and further charged the court to sentence the convict.

DEFENDANT ALLOCUTUS:

I am sorry my Lord, I am asking for forgiveness and that the court should temper justice with mercy and I promise not to be back to this old life again

Defence counsel: the convict has been very much remorseful and he is a first time offender who has learnt his lesson. Urge the court to temper justice with mercy.

SENTENCE:

I have carefully listened to the plea of allocutus made by the said convict and that of the defence counsel to the said convict in thought to the court has shown sign of remorseful and regretted his action and being a first time offender has no reasons in indulging in cybercrime.

The convict is in his youthful age, strong and healthy that can understand any kind of job to better his life but choose to go on cybercrime in and quest to get rich quick and this had landed him to this crime. The convict even though desired the sympathy of this court but at the same time this court will punish the convict so as to show as a deterrence to other youths outside.

Hence the convict is hereby sentenced to one year imprisonment or a fine of N150,000.00 in addition, the iPhone 13 pro max and vivo recovered by the officers of the EFCC from the convict is hereby confiscated and forfeited to the FGN, the two phones are hereby ordered to be publicly auctioned and the proceeds paid

through the EFCC who will in turn pay same to the proceeds account of the FG. At the same time applied for the sum of \$4300 to be restituted by the convict at the same time the convict to swear to an affidavit of good behavior for the period of one year.

This is my judgment.

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Hon. Justice A. Y. Shafa