

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/954/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

FORTUNATE SOCHIMA ETOKWUDO..... DEFENDANT

ARRAIGNMENT

Defendant present in court

Offence cheating by personation

Appearance: Maryam Aminu Ahmed for the prosecution.

Defence: D. A. Monday for the defendant.

Prosecution: the matter is for arraignment, on a charge dated 26/11/24 has been served on the defendant, we apply that the charge be read to the defendant to enable him take his plea

Court clerk: read the charge.

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

Court: defendant do you understand the said one court charge

Defendant yes I do

Court: defendant are you guilty or not guilty

Defendant I am guilty Pros: in view of the plea of the defendant urge the court to convict him accordingly.

CONVICTION

I am satisfied that the defendant having understood the content of the one count charge of cheating by personation and admitted same knowing the consequences I shall accept the plea of guilt made by the defendant and convict the defendant for the offence of cheating by personation punishable under section 324 of the penal code triable by this court.

Prosecution: following the investigation infinix max 7 plus was recovered from the convict, we ask the court to order that the said phone be sold by the EFCC and money realized paid to the FGN. Further urge the court that the sum of N118,700 restituted by the convict be paid to the proceed of crime of the law through the EFCC and urge the court to sentence the convict accordingly.

Allocutus: I am very sorry it won't happen again. I have learnt my mistakes and won't try such act again.

Defendant: pray the court that the convict is a first time offender and pray the court to temper justice with mercy and be lenient by giving the convict an option of fine.

SENTENCE

The defendant was convicted for the offence with intent to defraud, contrary to section 321 and punishable under, section 324 of the penal code law respectively.

The brief facts of the case are as follows:

That sometimes in February, 2024 in Abuja within the jurisdiction of the High Court of the FCT, with intent to defraud, falsely represented yourself as Stefam Smith Salvatore, a passionate Holistic Practitioner Coach Equation inspiring assumed character chatted one young a stylist and obtained the sum of N118,700.00..."

The defendant pleaded guilty and upon conviction to the one count charge pleaded to the court that he is sorry that it won't repeat itself again, that he has learnt from his mistake and will not try such again

In addition to the allocutus by the convict counsel to the defendant one D. A. Monday pleaded the court that the convict is a first time offender and as such

prayed the court to temper justice with mercy and consider option of fine for the convict.

I have carefully listened to the plea of mercy made by the convict and the added words by the defence counsel to the convict, however no matter how acceptable the allocutus made by he convict may be,, the convict will go unpunished as a means or tool to deter others once on this same pedestrian of short cut to quick riches (cybercrime).

Having said these, the convict is hereby sentenced to one year imprisonment with an option of fine of N100, 000.00.

As regards to the proceeds of crime found in his possession infinix smart 1 plus, I hereby order that it be forfeited to the Federal Government of Nigeria. The forfeited property is to be sold and the proceeds realized from the sale be paid into the proceeds of crime account of the Federal Government of Nigeria. Also the restituted sum of N118, 700, 00 be paid into the proceeds of crime account of the Federal Government of Nigeria through the EFCC

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Hon Justice A. Y. Shafa