

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

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT NYANYA- ABUJA

THIS WEDNESDAY THE 11TH DAY OF DECEMBER, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/797/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

ORJI DANIEL IFEANYI..... DEFENDANT

ARRAIGNMENT

Defendant: present in court

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

Appearance: Mariam Sherrif for the Prosecution.

Defendant: Tope Fosobi for the defendant

Prosecution: the matter is slated for arraignment, we apply that the charge be read to the defendant to enable him take his plea.

Court: defendant do you have any objection

Defendant: no objection.

Court/clerk: proceed.

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

Court: defendant do you understand the said charge.

Defendant yes I do

Defendant are you guilty or not guilty

Defendant: I am guilty.

Prosecution: in view of the defendant's plea, we apply that the defendant be convicted.

CONVICTION

In view of the guilty plea made by the defendant I hereby convict the defendant for the offence of cheating by personation. The offence punishable under section 324 of the penal code.

DEFENDANT ALLOCUTUS:

I am so sorry for my mistake and if given a second chance I promise to be a good person and never to repeat such in my life again. And I beg the court to have mercy upon me.

Defence: urge the court to temper justice with mercy. The defendant is a first time offender and that because of this problem he put himself, his mother felt sick and died. The defendant promise to be a good boy if the court can give him a second chance.

Court: prosecution do you have any record of the defendant previous conviction

Prosecution: none

Prosecution: that the convict is yet to retribute the \$100 he benefited and the phone which was recovered as the exhibit keeper did not come with the phone.

Court: I order the prosecution to bring the item used for the crime before my sentence.

Court: case stood down.

SIGNED

JUDGE

11/12/2024

PROSECUTION: the investigating officer is in court to brief the court the availability of the phone of the defendant convict.

Investigating Officer:

Salah Shuabu the investigating officer of EFCC attempt to advanced free fraud section team C.

Defendant's phone were locked off in one of their safe and couldn't found the keys.

Court: reason given by the investigating officer I order the prosecution and the investigating officer to produce the phone before 3 pm.

SIGNED

JUDGE

11/12/2024

Investigating officer, that they couldn't get the phone being the instrument used for the commission of the crime because there is no keys to the saves.

SENTENCE:

The defendant was convicted for the offence of cheating by personation contrary to section 324 of the penal code law.

In the course of investigation the prosecuting counsel from EFCC, one Barr. Maryam Sheriff applied to the court to sentence the convict based upon his plea and asked the court to make an order for the convict to pay the sum of \$100 being the money paid to the convict by one Mr Jair Silver be paid back to the officer of the EFCC.

This court: before proceeding to my sentence, I order the prosecuting officer Maryam Sherrif to present the item recovered in the course of investigation being the phone i.e. Techno Spark /20 Imei -356122120010355 and Itel P55 IMEI - 366195436719349 being the subject of the crime before the court. But to the surprise of the court the prosecution through the investigating officer one Salah Shuabu the investigating officer of the EFCC attached to advanced free fraud section team C told the court that the said phone being the subject of crime was in a safe in the office but the person holding the keys is on leave, hence could not produce the phone to court before sentencing.

In view of the foregoing I can't wait for the prosecution to produce the said phone, I leave the issue to the chairman of the EFCC to investigate.

Hence the convict is hereby sentenced to 1 year or he is to pay a fine of N100,000.00 with an order for the compensation of the sum of \$100 to be paid by the convict. This is my order.

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Hon. Justice A. Y. Shafa