

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT NYANYA- ABUJA

THIS MONDAY THE 11TH DAY OF NOVEMBER, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFIA

SUIT NO: FCT/HC/CR/333/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

VICTOR EZENWABI..... DEFENDANT

ARRAIGNMENT

Defendant in court

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

Appearance: V. A. Adumein for the Prosecution EFCC

Defence: O. C. Oseni for the defendant.

Prosecution: before the court is one count charge against the defendant dated 18/4/2024 filed on the 23/4/2024 we ask the it be read to the hearing of the defendant in order that his plea be taken.

Court: defence counsel do you have any objection

Defendant No objection.

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 charge read and explained to you?

Defendant yes I do

Court: defendant are you guilty or not guilty.

Defendant: I am guilty.

Prosecution: in the light of the defendant's plea of guilty, we ask the court to convict the defendant accordingly.

Conviction:

I am satisfied that the defendant having understood the context of the charge read and explained to him understood same and admitted that he is guilty knowing the consequences of his plea. I will accept the defendant's plea of guilty and convict the defendant for the offence of cheating by personation, the offence punishable under section 324 of the penal code law and triable by this court.

Allocutus: I am sorry for my action and promise not to do that again. I did it because I was in need of money when I was in school at cybros International University Turkey. That he is doing business at IllordSelly University and had the opportunity to travel to study which was all the effort of myself making money to enable me study and work.

In the year 2021, i was in need of money to pay school fees, and that some of my friends that know how to operate computers very well like ----- an were to pay him some money and that was where he raised the sum of \$500 which he has never done before and since then I have never done it again and lastly my dad died during that year.

That hewants the court to have mercy on him and he will never do it again.

Defendant

The convict is a first time offender, that incarcerating the convict will not keep the convict in the society of the convict industrious and skillful with his hands and his skill will be put into good use.

That the convict has been counselled by the commission and they have made him realize that this is no reason for an individual to resort to crime.

The convict is so remorseful and is pleading for a second chance. WePray the court for leniency in sentencing the convict.

Prosecution: during the course of investigation the defendant now convict was shown to have benefitted the sum of \$ 500 out of which he had refunded \$100 and the fraudulent document was found in his iphone 12 promax and also (HP LAPTOP) was found in his possession at the time of his arrest.

We Urge the court that the convict be made to retribute the balance of \$400 and to forfeit his iphone 12 promax to the FGN through the office of the EFCC.

That from our investigation the convict has not been able to tell us how he came about the laptop that was found in his possession.

Court: convict how much did you by the laptop

Convict: that he bought the laptop for N200, 000.00 while he was studying in Nigeria around 2018.

That the crime was committed in the year2021.

SENTENCED

I have carefully listened to the plea of allocutus made by the defence now the convict, it is too unfortunate that the young boy in person of Victor Ezenwnbiwho is supposed to be smart and learn while in the school chooses to go on voyage of discovery of internet cybercrime. From the allocutus made by the said convict and that of the defence telling the court that the defendant is a first time offender hence the court should temper justice with mercy.

A careful perusal of the allocutus made by the convict and the one made by the defence I don't think this court will be lenient to the said convict as the act of the convict left mush to be desired.

Hence the convict is hereby sentence to 1 year imprisonment or fine of N100, 000.00 (One Hundred thousand naira) only.

In addition the iphone 12 promaxrecovered from the convict during the cause of the investigation is hereby forfeited to the FGN, through the office of the EFCC, the said Iphone 12 promax I order it to be sold and whatever is realized is to bepaid into the FGN consolidated recovery account, funding and receipt to that effect be brought to this court for record purpose.

On the other hand the laptop recovered from the convict be confiscated and I order that it be sold and whatever is realized to be paid to the account of the EFCC and to be forwarded to the account of the FGN

The court on restituting the sum of \$400 being the money he benefitted from the crime committed the should be restituted within 15 days of this sentencing.

.....

Hon Justice A. Y. Shafa

FINE PAID: 18/11/2024

ONE HUNDRED THUSAND NAIRA ONLY

RECEIPT NO. Z 13190866