

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS TUESDAY THE 18TH DAY OF OCTOBER, 2022

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/496/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

WISDOM CHINEDU OKEKE.....DEFENDANT

Court: case for mention

Charge section 95 of the penal code law.

Appearance Marya Sharif for the prosecution

Defence: AdafeEbel for the Defendant

Prosecution

The matter slated for arraignment and we are ready.

We apply that the charge be read to the defendant to take its plea.

Court: defendant counsel do you have any objection.

Court: read the plea to the hearing and understanding of the defendant

Court: the charge is read and explain to the defendant. The defendant called upon to reply to the said charge.

Court: defendant do you understand the charges as read and explain to you?

Defendant yes I do

Court: defendant are the charges true or false?

Defendant: the charge is true.

Prosecution:

In light with the defendant pleaded guilty we apply that the court convict and sentence the defendant.

COURT

CONVITION.

I am satisfied that the defendant having understood the nature of the charge read and explain to him in English language and pleaded guilty to the charge knowing the consequences of his plea, this court will accept the defendant's plea's guilty and convicting the defendant for the offence of punishable under section 95 of the penal code, i.e. attempting to commit an offence punishable with representation.

Allocutus

I am so sorry I don't mean to start fraud or anything. What pushed me to that is because my father died since 2008, and it is just me and my mother and for now she has not been feeling fine and I am federal Poly Oko in Anambra State.

I was really passing through a lot, though I haven't benefited

I am pleading and promise not to continue with it and begging the court to forgive me.

I promise to be a changed person as from today.

Defence counsel.

That my service to the defendant are pro bono here on the appeal of his mother who is residence in Anambra State.

We humbly appeal, that despite the frequency of the condemnable act in our society the court should temper justice with mercy and grant the convict the main privilege of hearing second shorter life for the interest of his education.

He is the only son born of the mother.

The convict is a first time offence and he is aware of implication of being profile as being a convict of this Hon. Court.

The court should exercise its discretion and to an option of done or community service at the discretion of the court.

Court: prosecution, is there any record of previous conviction known to you by the convict to your knowledge?

Prosecution: To my knowledge none.

Prosecution: We have an exhibit of the phone I-phone 7 of which the incriminated items have been out. We wish to tender those document i.e. the print out from the phone used by the convict.

Court: the said document printed out by the use of I-phone 7 used by the said convict is hereby admitted in evidence. And also my Lord are shall not be already, to the application of the defence counsel for community service.

It case adjourn to 11.30 am for sentence.

SENTENCE

The convict one Wisdom ChineduOkeke was alleged on the to have committed an attempt of cheating to wit by deceiving unsuspecting citizens by representing himself to be investment trader using Melvin-8783 as his Username through the means intergram, in order to facilitate, and attempted to obtain financial again, which representation he know it was false.

The charge with No CR/496/2022 was assigned to this court dated the 15th September, 2022 mention on the 18-10-2022.

The charge haven been read and explained to the defendant, pleaded guilty to the charge and the prosecutions applied to the court to convict the said defendant.

This court acting under section 112(8) of the ACJA, 2015 which provide thus:

“where upon having the information, the alleged suspect admits the commission of the offence contained in the FIR/charge sheet, his admission shall be recorded as near as possible in the words used

of him and if he shows no sufficient cause why he should not be convicted, ---

Based on the above provision of the law, it this court convicted the defendant, and asked the convict to plead the convict in its plea of allocutus i.e. investigation or punishment hold this court that he is sorry and to start fraud; that what pushed him to it is because his father died since 2008, did it is just him and her mother and that the mother has not been feeling fine for more than a year now. That he is a student of Federal Polytechnic Oko in Anambra State. That he has been passing through a lot and therefore pleaded to the court that he promised not to continue with it again and begging the court to forgive him.

The defence counsel who equally pleaded to the court to temper justice with mercy and that despite the frequency of the condemnable act, in our society, the court should temper justice with mercy and grant the convict the means and privilege of having a second short of life in the interest of his Education.

That the convict is a first time offender who knows the implication of being proffered as being a convict of this honourable court and pray the court to exercise its discretion and to give the convict an option of fine or community service.

This plea of the defence which the prosecution is not opposing and that before then, he presented the exhibit used in committing the said offence i.e. i-phone7

This court having carefully listened to the allocutus made by the said convict and that of the defence to the convict, I wish to state that the act of the convict left much to be described as the death of the father is not a reason of indulging in the commission of the said Act I wish to also state that, the dimension the yahoo scammers is sadly dangerous which the law shall definitely take its cause.

Going further the sickness of the aged mother should not be a yardstick for the convict to commit the said crime.

To my eye the said convict is still in his youthful age who wants to get rich quick and ride in an expensive car to showcase his worth fortunately the eye or hammer got him.

The offence as attempt from attempt of many crimes. This court will not allow the convict to go left unpunished this is to show as an example to other young

boys outside and deterrence to others. Hence the convict is hereby granted sentence to 6 months' imprisonment or to pay a fine in addition of N50,000,00.

As per the I-phone7 I order it forfeiture to the Federal Government of Nigeria. The forfeiture of the phone means it should be destroyed.

This is my judgement.

SIGNED

JUDGED

18/10/2022