

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 29TH DAY OF NOVEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFIA

SUIT NO: FCT/HC/CR/026/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

ADEKUNLE MUIDEENDEFENDENT

(AKA MACEDO DIANA LAKA)

Court: the matter is for arraignment.

Offence: impersonation contrary to section 321 of the penal court law and punishable under section 324 of the same law.

Defendant present in court.

Appearance: F. I. Hamasanifor prosecution EFCC.

Defendant: Gbenga Femi Akande for the defendant.

Prosecution: the matter is for arraignment.

Before the court we have one count charge dated 9/11/2023. The defendant speaks and understand English language.

Apply that the charge be read to the defendant in order for him to take its plea.

Defendant counsel: do you have any objection.

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

Court: defendant do you understand the charge

Defendant: yes i do

Court: defendant are you guilty or not guilty.

Defendant I am guilty

Prosecution: in line with the plea of guilty by the defendant urge the court to convict the defendant accordingly.

Parties having filed a plea bargain before the court dated the 28/11/2023, urge the court to enter the agreement as the judgement of this court.

CONVICTION

I am satisfied that the defendant before the court understood the charge read and explained to him in English language and admitted same knowing fully the consequence of his admission 19(1) court will accept his admission and convict him accordingly for the offence punishable under section 324 of the penal code law triable by this court.

Convict: I would like to plead for mercy instead of calling witness of my good character.

Convict/allocutus

When was in school 100/2002 met with some friends and lie into online scam just to be able to feed myself in school and pay some of my expense in school.

When I was arrested I realise that everything is bad and not good for the society I have learned my lesson and promised not to do such a thing ever again.

Counsel defence: the defendant having realised that crime does not pay and having plead before the court for leniency and the proceed of crime having agree to forfeit same to the FRN via the plea Bargain that has been filed before this court.

Urge the court to show compassion on the defendant seeing him having a bright future to be given an option of fine.

We appeal to the court to be lenient with the defendant and not to apply the full weight of the law on the defendant.

Court: case adjourned to 1 pm for sentence:

SIGNED

JUDGE

29/11/2023

SENTENCE

The defendant was convicted of the offence of cheating by impersonation contrary to section 321 of the penal code, laws of the Federation of Nigeria and punishable under section 324 of the Act.

The convict sometimes in October, 2023 in Abuja, within the Jurisdiction of this honourable cheater and fraudulently obtained the sum of Fourteen Thousand Three hundred and Fifty Singaporean Dollars (14,350SGD) from one Phillip Loh Seng Chong.

The defendant pleaded guilty and upon condition pleaded that he has realised how wrong his actions have been and the impact it has on the society. Also that he will not get involved in such illicit scam again.

In addition to the allocutus by the council, the defence counsel, one Gbenga Femi, pleaded with the court to consider the convict's plea as he has realised fully that crimes doesn't pay and has agreed to forfeit proceeds of crime via the plea bargain agreement with the EFCC to the Federal Republic of Nigeria. The counsel further appealed to the court to not apply the full wrath of the law on the convict.

I have carefully listened to the plea of mercy and the further appeal by the defence council to the convict, the court must however proceed in delivering justice because a crime has been committed already. The convict needs to be taught a lesson by way of punishment for his crime.

I shall rely on the evidence presented by the EFCC and the plea bargain agreement which the convict entered into before conviction and now sentence. In line section 270 of the AC JA 2015, I will have considered the convict's prayer asking for a second chance and also the Defendant's counsel's appeal praying that the court should not apply the full wrath of the law on the convict, the convict has also promised never to go back into crime.

In line with everything stated above, the convict is hereby sentenced to a prison term of six(6) months or a fine of N300,000.00.

All proceeds of crime found in his possession are hereby ordered to be for the property forfeited to be sold and proceeds realised from the sale to be paid into the proceeds of crime account of the Federal Government of Nigeria

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Hon. Justice A. Y. Shafa