

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 18TH DAY OF SEPTEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/620/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

ATTAH DESMOND (AKA GABRIEL PROMISE)DEFENDENT

Court: case for arraignment

Defendant in court

Offence of fraudulently obtaining the sum of 50,00 Euro through gift card from one UrszulaMeglin and thereby committed an offencepunishable under section 324 of the penal law.

Appearance: F. I. Hemma Sani EFCC for prosecution with Christopher Mshelia

Defendant M.K. Nwogo for the defendant holding the brief of NnamdiAkuneto for the defence.

Prosecution: before the court is a one count charge dated the 7-9-2023 and filed on the 11/5/2023 the defendant understands and speaks English language. We shall apply to the court to read the charge to the hearing of the defendant to enable the defendant take his plea.

Court: defence counsel do you have any objection?

Defence counsel: no objection.

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

Court: defendant do you understand the charge.

Defendant yes

Court: defendant are you guilty or not guilty?

Defendant I am guilty

Prosecution we apply that the defendant be convicted as charged in line with the plea bargain agreement dated and filed on the 18/9/2023

Court prosecution: defence counsel do you have any objection.

Defence counsel: no objection.

CONVICTION

I am satisfied that the defendant haven understood the charge read and explained to him pleaded guilty to the one count charge, knowing fully well the consequences of it's plea, I shall accept the defendant's plea of guilty and convict him for the offence of fraudulently obtaining the sum of E50,00. Euro through gift card from one UrszulaMeglin. The offence punishable under section 324 of the penal code triable by this court.

ALOCUTUS:

Please I am sorry for my offence I did that just to earn a living to help myself and my family, I am deeply sorry and have realised my mistake.

I have realized that what I am doing is not good. I promise that I am now change person and will not go into the act again.

Defence in addition, that the defendant told him he is learning electrical work most by withholding, but the boss got frustrated.

Fact/pleading to grant the defendant a lesser sentence of his indigent after this he planned to back to his state by going into business, that the defendant is a first time offender he urged the court to grant the defendant a lesser sentence in line with section 220(11) (b) of the ACJA 2015.

Prosecution: do you have any record of convictiona of the convict known to you by the convict.

Prosecution: none to my knowledge.

Court case: stood down for sentence.

SIGNED

JUDGE

SENTENCE

The convict before this court was convicted for the offence of fraudulently obtaining the sum of \$E50,00. Euro through gift card from one UrszulaMeglin, punishable under section 324 of the penal code law.

The facts leading to the conviction are stated below:

“that in the year 2023, in Abuja within the jurisdiction of the High court of FCT did cheat by personation when he pretended to be one Gabriel Promise and in that assumed character fraudulently obtained the sum of E50,00.00 (Fifty Euro) through gift card from one UrszulaMeglin”

The convict who pleaded guilty to the one count charge and in his plea of allocutus pleaded to the court that he is sorry for his offence that he did so to earn a living to keep himself and his family, and that he is deeply sorry and having realized his mistake that what he did was not good, promised to change to be a better person.

The defence counsel one M.K. Nwogoin addition to the plea of allocutus made by the convict pleaded to the court to temper justice with mercy, and that the court should grant the convict lesser sentence as he is indigent and after this planned to go back to his state to continue with his business. Further that the convict is a first time offender.

Urged the court to grant the convict lesser sentence in accordance with the provision of section 270(11) (b) of the ACJA 2015.

The prosecuting counsel on the other hand informed the court of filing a plea bargain agreement and apply to the court to adopt same while considering sentencing the convict. This the defence counsel did not object.

Having carefully listened to the plea of allocutus made by the said convict and that of the defence counsel, I have no doubt in my mind that the convict having regretted his action, but the reason given by the convict is not enough for the convict to indulge in cybercrime, as the rate of Cybercrime in Nigeria is on the rise and it is quite alarming because it affects almost every sector in the country thereby thwarting the development process. After all, when cybercrime is in the rise, in a nation, national development becomes almost impossible.

The convict who in this dirty Job, of internet crime do it majorly because they want a better life either for themselves or loved one, yet they do not want to be restricted 8-5 working schedules.

It is indeed a pity that the convict as young as he is can indulge in such an act, knowing fully the consequences of his crime and the punishment if caught. He should have himself to blame.

To my mind if the government of the day could create job for them that will suit their lifestyle if could help them stay off crime

Words of clear wisdom

I quote:

if you want to catch a thief, you must be a thief or employ the services of a thief.

As unreasonable as this word may sound, if cybercrime is to be reduced to the minimum, jobs with good take time remuneration should be created and when one person is caught in the act of internet fraud, such a person should not be locked up in a cell, left to rot away, rather the person should be given a work station and duly monitored to help track down others.

The internet or cybercrime has a capacity for more good than bad. That is better explained when Mrs NdusesOke when she said.

The oxymoronic nature of the internet is one off the unforeseen attributes at it's inception, no one perhaps could have clearly foreseen that and how, the internet would someday become a veritable platform for globalized criminal activation. As has been copiously remorse, the benefit of the internet have so often been tainted by it's versatility for virtual criminal activities that have vastly devastating physical and social impacts.

Though the convict in his allocutus has shown serious remorse which this court will consider the plea of allocutus made by the convict in addition to the provision of section 270(11) (b)of the ACJA 2015 provide

“Where a defendant has been convicted under section? (9) (a), the presiding judge or magistrate shall consider the sentence as agreed upon and where he is :

(b) of the view that he would have imposed a lesser sentence than of school of a very young age and at the same time started barbing due to peer pressure and

met this job that he was doing to chase after bigger money and as the first sum of the family to take care of himself the mother and the young once.

The convict is a first in line offence and stated this get less than two months before he was caught.

He has his intention of furthering his Education.

That as a defence to the convict, the case is being handled pro-bono.

Court: case stood down 12: noon to sentence.

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Hon. Justice A. Y. Shafa