

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS WEDNESDAY THE 29TH DAY OF NOVEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFIA

SUIT NO: FCT/HC/CR/056/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

BANKOLE ABAYOMI (AKA KENNY CHESNEY) DEFENDANT

COURT: the matter is for arraignment

Defendant present in court

Offence section 321 of the penal code(personation)

Appearance: Maryam Aminu Ahmed EFCC for prosecution.

Defence: Bobby Kadirifor the defence.

Prosecution: the matter is slated for arraignment on the charge dated the 10/11/2023 and served on the defendant we urge the Clerk to read the charge to the defendant for him to take his plea.

Court: clerk read the charge

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

Court defendant do you understand the charge?

Defendant yes I did

Court: defendant are you guilty or not guilty?

Defendant I am guilty.

Prosecution: In line with the plea of guilt entered by the defendant urge the the court to convict him accordingly.

CONVICTION

I have carefully listened to the plea of guilty made by the said convict, knowing fully well the consequently of its plea, I shall accept the plea of guilty made by the convict as an admission of the said offence and accordingly convict the said defendant for the offence punishable under section 324 of the penal code triable by this court:

Prosecution we have agreed to entered a plea bargain and apply for a date to enable us do same and urge the court to give us 1-12-2023.

Court: this case is adjourned to 30/11/2023 for the plea of allocutus and sentence by 2: 00 pm

SIGNED

JUDGE

29/11/2023

The defendant to be remanded at the EFCC custody.

SIGNED

JUDGE

29/11/2023

RESUMED

30/11/2023

Appearance: Maryam Aminu Ahmed for Prosecution EFCC

Defendant Bobby Kediri for the Defendant.

Prosecution: the matter is slated for Judgment and we are ready

Court: defendant are you ready

Defendant we are ready

Prosecution: we have filed a plea bargain dated the 30-11-2023 and filed on the same day.

We adopt same and urge this court to sentence the convict accordingly
defendant I enter a plea bargain with the prosecution.

SENTENCE

The defendant was convicted for the offence of cheating by impersonation contrary to section 321 of the penal code and punishable under section 324 of the same act.

The convict sometime in October, 2023 in Abuja within the jurisdiction of this Honourable court with intent to defraud, falsely represented himself as Kenny Chesney and sent electronic message to Sherry Martins, a resident in United States of America and obtained the sum of \$ 3000 (Three Thousand Dollars) from Margaret Wock through gift card.

The prosecution counsel hinted the court that parties have entered into a plea bargain agreement and urged the court to sentence the convict accordingly, the convict also confirmed to this court that he entered into a [plea bargain agreement.

I have carefully looked at the plea bargain agreement and before I sentence the convict, it is very important to state how important the internet has become in every of our daily routines and activities, no one would have foreseen these globalised criminal activities.

The benefit of the internet has now been tainted with it's vast presence for virtual criminal activities that have vastly devastating physical, Psychological and social impacts, the virtual criminal activities i.e. cybercrime has a massive effect on victims and the society at large, as the world evolves daily more innovation are being made to improve the cyberspace and in the same vein cyber criminals are evolving in their tactics in order to continue benefiting from these cybercrimes. The court has a decisive role to play in reducing this menace as it its not reduced and totally eradicated there will be no proper development of the youths in our society.

In view of the foregoing, I shall accept the plea bargain agreement and I shall sentence the convict based on the plea bargain agreement filed and adopted before the court as follows:

1. The convict is hereby sentenced to one-year imprisonment or a fine of N200,000.
2. The I phone 12 pro max which was used as an instrument of his criminal exploit is hereby forfeited to the FGN.

3. The forfeited iPhone 12 pro max should be sold by the EFCC and proceed from the sale paid to the proceed of crime account of FGN.
4. The sum of \$1900 (One Thousand Nine Hundred Dollars) recovered from the defendant is to be forfeited to the Federal Government through the proceeds of crime account of the Federation.
5. The convict is to depose to an affidavit of undertaking to be of good behaviour for 6 months.

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Hon. Justice A. Y. Shafa