

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 14TH DAY OF DECEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/097/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

BOLAJI DAVIES SEMIU.....DEFENDENT

Court: this matter is for arraignment.

Defence present in court.

Offence: section 321 of the penal court law.

Appearance: Maryam Aminu Ahmed for prosecution EFCC.

Defendant: MeryDamilolaAdedele for the defendant.

Prosecution: the matter is slated for arraignment.

A charge dated the 17/11/2023 has been served on the defendant. We apply that the charge be read to the defendant for him to take his plea.

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.

Defendant: yes I understood the charge.

Court: defendant; are you guilty or not guilty?

Defendant I am guilty

Prosecution: in view of the plea of the defendant we urge the court to convict the defendant accordingly.

Prosecution we have a plea bargain agreement dated 27/11/2023 and filed on the 13/12/2023. We Humbly wish to adopt same and urge the court to sentence the defendant based on the plea bargain agreement.

Court: defendant confirm to the court whether what was presented before the court was what you agree upon.

Defendant confirmed it is what was agreed with the prosecution and urged the court to adopt same.

CONVICTION

I am satisfied that the defendant having understood the content of the charge read and explained to him and admitted same knowing the consequence of his confession. This court will accept the defendants' plea of guilt and convict the defendant of the offence punishable under section 324 of the penal code law.

Allocutos: I have learnt my lesson, I realize doing the right things pays and i promise to go back to hair making business.

Defense: in addition I pray the court to temper justice with mercy. The convict is a first time offender and he is remorseful and has restituted the proceed of crime. Pray the court to grant the convict an option of fine as stipulated in the plea bargaining agreement.

That we have another prayer before the court

That there are two items collected by the convict which does not form part of the exhibit recover in connection with the crime i.e. one iPhone14 and Del laptop or Urge the court that the item be returned to the convict

Prosecution: I urge the court to reject the order in respect of the items in question until I get clarification from the court:

In respect of the defense council I urge the defense council to come by way of motion on notice, the said motion be served on the prosecution for their response meanwhile I will proceed to sentence the defendant based on the plea bargain agreement before the court.

Sentence: I hereby adopt the term of plea bargaining agreement as the sentence of the convict I so hold.

SENTENCE

The defendant in this case was alleged sometime in 2023 in Abuja within the jurisdiction of this honorable court or on offense of fraudulently to have impersonated one Dr Sandra Enia, an Australian medical doctor living in Yemen.... Through his line account and defrauded the duo of koji Tatani and mavrickikishi both resident in Japan where he fraudulently obtained the total sum of 100,000 Japanese yen from them in order to enable him escape from the war zone in Yemen, hence contravened section 321 and punishable under section 324 of the penal code law respectively.

Upon arraignment, the defendant pleaded guilty based on the plea bargain agreement entered into by the parties dated the 27th day of November 2023. Based on the plea bargain agreement entered and signed by both parties, the defendant was convicted accordingly having been fully satisfied that the defendant is acting voluntarily in the plea agreement.

The prosecution officer, then applied and tendered the plea bargain agreement and urged the court to consider the plea bargain agreement in sentencing the defendant accordingly.

Secondly, that in the course of investigation the following items used for the commission of the crime were recovered from the defendant.

1. Infinix 10 phone
2. 100,000 Japanese yen

In view of the foregoing made an application for forfeiture of the two items to the federal government of Nigeria through the EFCC and that the said infinix 101 phone be auctioned and the proceeds realized be paid into the account of the federal government of Nigeria consolidated account.

Before I proceed to sentence the defendant based on the plea bargain agreement that was adopted by the prosecution and confirmed by the defendant, I have this to say:

Cybercrime in general has brought about a high level of indecency in our society, it has absolutely corrupted thea large number of our youths who are now possessed with the ‘get rich quick’ syndrome not minding the aftermath or consequences of their action.

The image of Nigeria in the international scene is also been affected by the actions of our young boys, talk more of the victims of the crime.

Though the victim in his plea of allocutos is a first time offender and in hair making business who has realized that doing the right thing pays and promised to go back to his business of hair dressing. In addition to the plea of mitigation of punishment the defense counsel also in adding his voice prayed the court to temper justice with mercy and that the convict is a first time offender and has shown remorse who has also restituted the proceed of crime and pray the court to grant the convict an option of fine as stipulated the plea bargain agreement.

In view of the forgoing, I hereby adopt the terms of the plea bargain agreement as the sentence of this court and

1. The defendant is hereby sentenced to one year imprisonment or an option of fine of #200,000 (two hundred thousand naira) only.
2. The infinix 101 phone being the instrument used in the commission of the crime is hereby forfeited to Federal Government of Nigeria through the EFCC with an order that the said infinix 101 phone be sold through public auction and the proceed realized into the Federal Government of Nigeria consolidated fund account through the EFCC and evidence of payment be forwarded to the court within two weeks of this judgment.
3. The defendant with one of his parents or guardian is to depose to an affidavit of undertaking to be of good behavior for six months.

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Hon. Justice A. Y. Shafa

