

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS THURSDAY THE 14TH DAY OF DECEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/116/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

ELEDUWE OLAYINKA ADIGUN (AKA EMELIE) DEFENDENT

Court: this matter is for arraignment.

Defence present in court.

Offence: Cheat by personation punishable under such section 324 of the penal code.

Appearance: Maryam Aminu Ahmed for prosecution EFCC.

Defendant: M. B. Abdulazeez for the defendant.

Prosecution: the matter is slated for arraignment, before the court is a one count charge dated the 4/12/2023 and file on the 5/12/2023, we apply that the one count charge be read to the defendant as to enable him take his plea.

Defendant do you have objection?

Defendant no objection.

Court: the charge was read and explained to the defendant. The defendant is called upon to reply to the charge.

Court: defendant do you understand the charge.

1st count

Defendant yes I understood

Court: defendant are you guilty or not guilty?

Defendant I am guilty

2nd count

Do you understand the charge?

Defendant yes I understand.

Court: are you guilty or not guilty

Defendant I am guilty

Prosecution: in view of the plea of guilt by the defendant we apply that the defendant be convicted accordingly.

We also filed a plea bargain agreement dated 8/12/2023, I humbly adopt same and urge the court to sentence the defendant accordingly.

In the course of our investigation we recovered Iphone 12 promax and the sum of N\$750 dollars

Court: defendant is that said plea bargain agreement

Is what you signed

Defendant yes it is.

CONVICTION

I am satisfied that the Defendant having understood the content of the charges read and explained to him and admitted same, knowing fully well the consequences of his commission, I shall accept the Defendant plea of guilt in the two count charge before the court and convict the Defendant accordingly. Hence, the Defendant is hereby convicted upon his plea the offence punishable under section 324 of the Penal code law respectively and triable by this court.

ALOCUTOS

I want to apologize; I am very sorry for everything I did through internet fraud. I am currently in school and I just completed my SS III in a grammar school in Ogun state and I am 21 years old.

Defence: in addition that the court Should temper justice with mercy to be kind and lenient to the convict who is a first time offender, repentant and remorseful, urge the court to consider use of option of fine to the convict.

Prosecution: Do you have any record of previous conviction by the convict to your knowledge?

Prosecution: None that I am aware of.

Court: confirm the plea bargaining agreement whether it is what you entered into.

Defendant: It is my lord.

SENTENCE

THE convict ELEDUWE Olayinka Adigun (AKA Emelie) was alleged to have committed an offence of impersonation via the internet claiming as Emelie a

citizen of United States of America resident in Florida with a Facebook account in doing so obtained the sum of €200 USD (Two Hundred United States of America Dollars) from an unsuspected victim (Roy Alex) a citizen of Canada and one Lim MC- Vey also a citizen of United States of America and obtained the sum of \$600 USD, this impersonation which he knows to be false.

The charge with two counts was read and explained to the Defendant where he pleaded guilty to the two count charge and therefore convicted.

The prosecution counsel one Maryam Aminu Ahmed of EFCC applied to the court for the Defendant to be convicted and sentenced based in his plea of guilt entered by the Defendant. The court in acting under section 112 (8) of the ACJA 2015 which provides thus:

“That where the suspect admits guilty of an offence after the charge being read and explained to him, his admission shall be recorded as near as possible in the word used by him and where appropriate, he should be convicted accordingly.”

Upon the plea of guilty by the Defendant and the application made by the prosecution counsel of the EFCC, this court proceeded to convict the Defendant upon his confession.

Upon conviction, comes the allocutus by the Defendant, In his plea of mitigation of punishment, the Defendant told the court that he is sorry for everything he did through the internet fraud. That he is a student who just finished his SS III. The Defence counsel one Barr M.B. Abdulazeez in addition to the plea of mitigation of the defendant urge the court to temper justice with mercy and the court to be kind and lenient to the convict who is a first time offender, repentant and remorseful and urge the court to consider a liberal option it fine to the convict.

I have carefully listened to the plea of allocutus (mitigation) of punishment by the convict and that of the Defence to the convict, it is said, considering the Defendant/convict age of 21 years and a student who has just finished his SS 3 to indulge in the cybercrime by fraudulently using the internet to defraud innocent victim of their hard earned money not minding the consequences of his action. The act of the convict left much to be desired. So at this point there is nothing this court can do than to punish the defendant for the said offence.

In view of the foregoing, the defendant is hereby sentenced as follows, based in the plea bargain agreement dated the 5-12-2023.

1. The Defendant is hereby sentenced to 3 years imprisonment or to pay an option of fine of ₦300,000 (Three Hundred Thousand Naira) only.

2. The iPhone 12pro max recovered during the course of investigation is hereby forfeited to the Federal Government of Nigeria, the said be public auctioned within one month and the proceed realized from the sale be remitted into the consolidated account of the Federal Government through the office of the EFCC and evidence of the remittance forwarded to this court after the sale.
3. The sum of \$750 (Seven Hundred and fifty Dollars) benefitted by the Defendant deposited to the EFCC is hereby forfeited to the FGN and the forfeited sun be paid to the consolidated fund of the FGN and the victim embassy be informed and if traceable the money be transferred to them with a receipt if such transfer forwarded to this court.

This is my Judgment.

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Hon. Justice A. Y. Shafa

Fine paid: R/N: Z/2902835
Date: 14/12/2023