

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 26TH DAY OF JUNE, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/GWD/CR/78/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

EMMANUEL IKENNA OGU.....DEFENDANT

Court; case adjourned for arraignment offence section 95 of the penal code punishable under section 329 of the same law.

Defendant present in court. Appearance C.ObasiOko for the prosecution.

Defence counsel: Inyinna Moses for the defendant.

Prosecution: The matter for today is slated for arraignment and the defendant is present in court and we are ready to proceed.

Court: proceed.

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

Court; Defendant do you understand the said allegation?

Defendant: Yes I do.

Court: are you guilty or not guilty?

Defendant: I am guilty.

Prosecution: In view of the defendant's plea of guilty we apply that the defendant be convicted and sentence accordingly.

CONVICTION

I am satisfied that the defendant understood the charge read and explained to him and pleaded guilty to the one count charge knowing fully the consequence of his admission. I shall accept the plea of guilty made by the said defendant and convict the defendant for the offense of cheating contrary to section 95 of the Penal code and punishable under section 329 of the penal code law and punishable by this court.

Allocutus: (plea of mercy)

I am very remorseful, I am a changed person, promised not to commit such crime, I have turned a new leaf and willing to change. I was influenced by peer pressure and ask the court to forgive me and to temper justice with mercy. I have change my ways for good. Thank you my lord.

Defense Counsel.

That the convict timeous plea of the server crime is an evidence of the fact that he is remorseful and the time of repentance on the part of the convict and have not wanted to waste the time of the court and time is very precious.

The convict is a first time offender, and has no antecedent of any criminal record even from investigation. As a matter of fact this is the first time the convict is having any case with the law enforcement agencies.

That the young man is a student of Abuja university and a final year student and writing his project right now and in sociology Department. Urge the court to temper justice with mercy.

Begging the court that if given a second chance the court to implore the milk of good conscience. I sincerely believe that he has turn a good person and if given a chance he will turn out to be good functional person to the society and pray the court to temper justice with mercy.

Court: Prosecution do you have any record of previous conviction against the convict.

Prosecution: we are not aware of any one.

Upon arrest the marble phone was recovered iPhone 13 which happened to be any instrument of criminality, we apply that the said phone be forfeited via the EFCC Recovery account.

Court: this case is stood down for one hour for sentence.

The convict to step down and wait for his sentence.

SENTENCE

The convict, one Emmanuel IkennaOgu was alleged to have attempted to cheat by impersonation by deceiving individuals he met via the internet platform; snapchat application with the pseudo name: Jayden Fields claiming to be a soldier with the United States of America's Army. This representation which he knows to be false.

The charge with No CR/41/2022 was assigned to this honorable court and was filed on the 7th day of June, 2023, subsequently Arraignment was then fixed for the 22nd day of June, 2023.

The charge was first read to the defendant and he said that he understood the charge and thereafter pleaded guilty to the said charge. The prosecution counsel then applied that the defendant be convicted and sentenced based on his plea of guilt.

Its importance to draw the attention of the court to section 112(8) of the ACJA, 2015 that provides that where the suspect admits guilt of an offence after the charge being read to him, his admission shall be recorded as near as possible in the words used by him and where appropriate, he should be convicted accordingly.

Upon the plea of guilt and the application by the prosecution counsel, this court proceeded to convict the defendant. Going further, the convict then pleaded with the court by way allocutus stating that he is remorseful and he is also now a changed person. He promised not to commit such crime again and indicated to the court that he has turned a new leaf, stating further that he was lured into the crime as a result of peer pressure. He asked the court to temper justice with mercy indicating that he has changed his ways for good.

The defence counsel flowing from the convict plea of allocutus reiterated that the convict is now remorseful and that the convict did not waste the time of the court before accepting that he committed the crime. He stated that the convict is a first time offender and he does not possess any previous criminal record that this is the first time the convict is having any case with a law enforcement agency. The defense counsel further stated that the convict is a student of University of Abuja, a final year student writing his project presently under the sociology department and also stated that he sincerely believes that the defendant has turned a new leaf and is now a good person, praying the court to temper justice with mercy believing that the convict will be a good and functional person in the society.

The prosecution counsel informed the court that he is not aware of any previous conviction against the convict. He further said that upon the arrest of the convict on iPhone 13 which happened to be the instrument of criminality used by the convict to perpetuate the crime was recovered from him and asked that the phone be forfeited.

Having carefully listened to the plea of allocutus by the convict and the plea by learned defendant counsel to the court. It is therefore important to comment briefly on the effect of the growing menace of cybercrime and how it has brought about a high level of decadency in our society as of today. It has absolutely corrupted the minds of a large number of our youths who are now possessed with the “get rich quick” syndrome not minding the aftermath or consequences of their actions.

The image of Nigeria in the international scene is also being affected by the actions of the youths, talk more of the victims of the crime. It is therefore important that necessary action should be taken in circumstances like this.

The convict is a student currently in his final year in the University of Abuja and in the sociology department, therefore implying that he engaged in the crime while still in school. The convict must in one way or the other pay for his crime in order to serve as a reminder to himself with respect to any future actions to be taken by him and this will also serve as a deterrent to anybody thinking of towing the wayward lifestyle of any form of criminality.

The convict is hereby sentenced to two weeks in prison with an option of two hundred thousand naira.

The iPhone 13 which is the instrument of criminality should be destroyed within the court premises, to be supervised by the prosecution counsel, a staff of the court and a police officer. Evidence of the destruction should immediately be submitted to the court and placed in the court file in line with section 331 ACJA.

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HON JUSTICE A. Y. SHAFI