

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 13TH DAY OF DECEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/002/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

GOLAGHA PETER PHILEMON (AKA CHRIS ALDRIC). DEFENDANT

Court: this matter is for arraignment

Defendant present in court

Offence section 321 punishable under section 324 of the penal code

Appearance: R. U. Adagda for the prosecution

Defence: A. A. Hassan for the defendant

Prosecution: today's matter is slated for arraignment pursuant to a plea bargain application before the court is an amended one court charge dated 28-11-2023 and filed on the 11/12/2023, we seek the leave of the court to substitute the charge filed on the 30-10-2023 with the amended charge.

Defence counsel do you have any objection?

Defence: no objection.

COURT: oral application made by the prosecution for the substitution of the charge filed on the 30-10-2023 with the new amended charge filed on the 28/11/2023 is hereby granted as prayed

SIGNED

JUDGE

13/12/2023

Prosecution: we apply that the amended charge be read to the hearing of the defendant.

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

Court: defendant do you understand the one count charge.

Defendant: yes I understand

Court: defendant are you guilty or not guilty.

Defendant: I am guilty

Prosecution: in view of the defendant's plea of guilty, we humbly pray the court to convict the defendant accordingly.

CONVICTION

I am satisfied that the defendant have understood the content of the charge read and explained to him admitted same, knowing fully well the consequence of his admission. This court will accept the guilty plea entered by the defendant and convict the defendant accordingly based on his admission for the offence punishable under section 324 of the penal law.

Court: explained to the defendant/convict whether he will call evidence of his good character or plea for mercy otherwise known as allocutus.

ALLOCUTUS:

I made a mistake and I'm sorry for my mistake I felt remorse for what I did and ask the court to have mercy on me. I am a student of University of Abuja studying medicine and 200 level.

Defence: there is nothing to add.

Prosecution: we filed a plea bargain agreement, fully signed by the defendant and the auctioned and the prosecution and the investigation officer on the 28/11/2023 and filed on the 11/12/2023, pray that the court considers the terms of the plea bargain in the sentencing of the defendant.

That in the course of our investigation we recovered 1 phone 12, and evidence of the payment of the proceed of crime in the consideration that this is a 2021 matter.

That we pray the court for forfeiture of the proceeds of the crime to the FG through the EFCC, we apply that the Iphone 12 be auctioned and the proceeds be remitted to the Federal Government Account. That the proceedshas been remitted to the CBN.

Court: it is not the duty of the EFCC to remit the money recovered to the CBN without court order ordering same. In sentencing the convict, I have to be sure the evidence are before the court,

Sentence resumed at 12 noon.

SIGNED

JUDGE

13/12/2023

RESUMED

14/12/2023

SENTENCE

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

The convict one GOLAGHA PETER PHILEMON sometime in December 2023 within the Jurisdiction of this Honourable Courtdid cheat by personation when he pretended to be one CHRIS ALDRICH, a male American Citizen and fraudulently obtained the sum of E1040 through Steam Cards from one Susan Day, an American Citizen.

The defendant pleaded guilty to the one count charge the prosecution then informed the court that there is a plea bargain agreement filed on the 11/12/2023 and signed by the defence counsel, prosecution counsel, investigating officer and the defendant.

The convict in his allocutus pleaded with the court that he made a mistake and that he now feels remorseful for his actions.

Having listened to the plea of the convict, it is important to state that our society becomes better when convicted persons are punished for offence committed as it serves as a deterrence to others.

In line with the plea bargain agreement, I sentence the convict thus:

1. The convict is hereby sentenced to a term of one (1) year in imprisonment or he is to pay a fine of two hundred thousand Naira (200,000)
2. The convict shall forfeit the sum of E1040 (One Thousand and Forty Euro) recovered from him by the Economic and Financial Crime Commission to the Federal Government of Nigeria through the Commission
3. The convict shall forfeit his I phone 12 which was used as an instrument of his criminal exploits to the Federal Government of Nigeria.
4. The convict shall depose to an affidavit of good behaviour before this honourable court.
5. The forfeited I phone 12 shall be sold by the EFCC and proceeds of the sale shall be remitted to the account of the Federal Government of Nigeria.

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Hon. Justice A. Y. Shafa