

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 30TH DAY OF NOVEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/050/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

IDRIS OPEYEMI AZEEZ (AKA MALIJI).....DEFENDENT

Court: case for arraignment.

Defence present in court.

Offence: section 321 of the penal court law and punishable under such section 324 of the penal code.

Appearance: Maryam Aminu Ahmed for prosecution EFCC.

Defendant: Gbenga Femi Akande for the defence.

Prosecution: the matter is slated for arraignment.

A charge dated the 10/11/2023 has been served on the defendant subject to the convenience of h court apply that the charge be read to the defendant.

Court: the one count charge of the offence contrary to section 321 of the penal code law was read and explained to the defendant. The defendant is called upon to reply to the one count charge.

Court: defendant do you understand the charge.

Defendant yes

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 him accordingly.

CONVICTION

The defendant have pleaded guilty, to the one count charge, I shall convict him for the offence punishable under section 324 of the penal code punishable by this court.

Prosecution: plea of Allocutus

Defendant: I am pleading to the court that I won't go back to the crime again. I got involved into this due to influence from my friends all in the name of going to school. Not knowing it is a crime until when I was caught by the EFCC, I Promise not to go back to the crime again.

I plead for mercy.

Defence addition:

The defendant having admitted his guilt without belabouring this honourable court urge the court to show leniency to the defendant seen that there is no any evidence of criminal record or criminal involvement.

In the interest of justice, to show that the defendant is really remorseful, he has stated repaying back the money he illegally took from the innocent person. Or by standard. He has stated repaying the said money.

In view of that pray that the court should not apply the full wright of the law on the defendant. And the defendant be given an option of fine, so that he will not become a harden criminal when mixed up with others in correctional centre.

Prosecution: is there any record of the court of previous conviction of any kind known to you by the defendant.

Prosecution. none that we are aware of.

Prosecution:

Review of the facts of the case.

Court: proceed

In the course of investigation, the commission recovered the following items.

1. Iphone 11
2. Iphone 6
3. Two HP laptop from the convict.

we urge the court to order forfeiture of the said items to the FRN. He Further applied that the sum of \$ 1930 received from the convict by the court should be having paid back to the victim James William to the U.S.A Embassy through the EFCC and further urged the court to sentence the convict.

The items in question received from the convict are before the court.

We humbly apply to tender same in evidence

Defence: we have no objection.

Court: this case is adjourned to 30-11-2023 for sentence by 2: pm.

The convict be remanded at EFCC custody till that date.

SIGNED

JUDGE

29/11/2023

SENTENCE

Idris OpeyemiAzeez before the honourable court was convicted for the offence of cheating by personation contrary to section 321 of the penal code laws and punishable under section 324 of the same Act, having pleaded guilty to the charge.

The convict in his plea of allocutus was remorseful and pleaded for leniency, he told the court how he got involved without knowing the act was a crime.

At this juncture, the court is of the opinion that, youth should be mentored and guided as regards the laws of the Federation. Having listened to the convict's plea of allocutus it is important to draw the attention of the youths and society at large to the fact that "IGNORANCE OF THE LAW IS NOT AN EXCUSE" and as such I shall proceed to sentence the convict to 6 months' imprisonment with an option of fine of One Hundred Thousand Naira only(N100,000.00).

The proceeds of crime/items (i.e. Iphone 11, I phone 6 and the two laptops) recovered is hereby forfeited to the Federal Government of Nigeria and the two and the two is hereby release to be paid to the coffer of the FGN account through the proceed Account of the EFCC (Economic and financial crimes commission).

The convict is to enter a bond to be of good behaviour for 1 year.

.....

Hon. Justice A. Y. Shafa