

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 18TH DAY OF SEPTEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFIA

SUIT NO: FCT/HC/CR/625/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

JEFFERY UMAHON (AKA SHENGXIN)DEFENDENT

Case for arraignment.

Offence intent to cheat under section 95 of the Penal Code and punishable under section 324 of the Penal Code. The defendant is present in court.

Appearance: Christopher Mshelia with F.I Hamma Sani for the prosecution EFCC.

Defence: M.K Nwogu for the Defendant

Prosecution: The case today is for arraignment and before the court is a one count charge dated the 7th September 2023 and filed on the 11/9/2023. The Defendant is present in court and prays the court to accept the charge and accordingly the defendant to take his plea.

Court: defendant counsel are you ready or do you have any objection?

Defence Counsel: We have no objection my lord.

The defendant speaks and understands English language.

Court: clerk read the charge to the hearing of the defendant.

Court: the charge is read to the hearing of the Defendant; the defendant is called upon to reply to the said charge.

Court: Defendant do you understand the one count charge read and explained to you?

Defendant: Yes I do.

Court: Defendant are you guilty or not guilty?

Defendant: I am guilty

Prosecution: in the light of the defendant's plea of guilty, we have filed a plea bargain agreement dated the 18th day of September 2023 and we urge the court to convict the defendant subject to the discretionary powers of this Honorable court.

Defendant counsel: do you have any objection to the application made by the prosecution?

Defence counsel: I do not have any objection.

CONVICTION

I have carefully gone through the charge and the plea of the Defendant, where he pleaded guilty to the one count charge of the offence of intent to cheat.

This court will accept the plea of guilty made by the defendant and will convict the defendant based upon his plea as he already knows the gravity of the said offence.

In view of the forgoing I shall convict the said Defendant for the offence of attempting to cheat by confessing to the charge brought down as follows;

That sometimes in the year 2023 in Abuja within the jurisdiction of the High court of FCT, did attempt to cheat by personation when you pretended to be one Shengxin lu a Chinese businessman and in that assumed character chatted up one Hong trang.

Based on the admission of guilt by the defendant, I shall convict the defendant for the offence of attempt to cheat punishable under section 324 of the PC law triable by this court.

As per the application made by the prosecution counsel on the plea Bargain agreement entered between the convict the office of EFCC, the said agreement dated the 15/09/2023 and 18/09/2023 signed by both parties, since the offence leading to this charge is an attempt to with intent to cheat, I shall accept the plea bargain agreement.

But before I proceed to sentence the convict based on the plea bargain, I will proceed to take the plea of the convict and Allocutos.

Please my lord, I will not do it again I am very sorry, I promise I will not do it. It is the devil's work, that the court should temper justice with mercy.

That I am an SS3 dropout from school because I don't have money, it is only my mother that takes care of me but my father does not take care of me.

Defense counsel:

That the convict dropped out of school at a very young age and at the same time started barbing and due to peer pressure from friends he met of this job that he was doing to chase after bigger money and as the first son of the family to take care of himself the mother and the younger ones.

The convict is a first time offender and started this act less than two months before he was caught.

He has an intention to further his Education.

That the Defense counsel to the convict, the case is being handled pro-bono.

Court: Case adjourned to 12noon for sentence.

SENTENCE

The convict sometime in the year 2023 while in Abuja attempted to cheat by impersonation when he pretended to be one Shengxin LU, a chinese American Business man with the intent to cheat and thereby committed an offence contrary to section 95 of the Penal Code and punishable under section 324 of the penal code law 1990.

The charge with No: CR/625/2023 was assigned to this court and was filed on the 11th day of September 2023 arraignment was then fixed for 18th day of September, 2023.

The charge was read out to the defendant who then pleaded guilty to the charge after indicating that he understands the charge read to him. The prosecution urged the court to convict and sentence the defendant accordingly with respect to a plea bargain agreement which is dated and filed on the 18th day of September, 2023.

The defendant was convicted in line with his plea of guilty, and he was then allowed to take his plea of Allocutos wherein he was given two options with regards to the procedure for taking his allocutus, this is in accordance with order 13 of the FCT ACJ rules of 2019.

The court having accepted the signed agreement on the plea bargain between the convict and the commission, especially on the basis of the offence which lead to the charge being an attempt with intent to cheat. The convict then chose to plead an allocutus, wherein he pleaded with the court indicating that he is remorseful and wouldn't repeat the offence if given a second chance. The defence counsel further pleaded with the court indicating that the convict is a secondary school dropout who then started the trade of barbing and that he eventually bowed to peer pressure when he got involved in cybercrime, he further stated that the convict is a first time offender who has the true intention of furthering his Education.

It is important however for this honorable court to once again speak on the fact that the rate of cybercrime in Nigeria is further on the rise and it is quite alarming because it affects almost every sector in the country, thereby thwarting the development process. After all, when cybercrime is on the rise, it automatically makes National development almost impossible, these crimes can however not go unpunished.

The young guys who do this dirty job of internet crime do it regularly because they want a better life either for themselves or a loved one, yet they do not want to be restricted to an 8-5 working schedule (normal Jobs). It is my belief that creating jobs for them that will suit their lifestyle would help them stay off crime.

Having listened to the plea of allocutus made by the defendant and also most importantly having gone through and accepted the plea bargain agreement made between the prosecution and the convict, the court is inclined to grant all the terms of the agreement.

In view of the foregoing,

1. The convict is hereby sentenced to one-year imprisonment with an option of fine #200,000
2. The convicts infinix phone and Dell Laptop which were used as instrument of his criminal exploits are hereby forfeited to the Federal Government of Nigeria.
3. The forfeited properties shall be sold by the EFCC and proceeds realized from the sale shall be paid to the proceed of the account of the Federal government of Nigeria
4. The deft shall deposed to an affidavit of undertaking to be of good behavior.

This is the judgment of the court.

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Hon. Justice A. Y. Shafa