

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS FRIDAY THE 15TH DAY OF DECEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/137/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

MARTINS TOBECHUKWU (AKA CHARLES ZALONKA)

.....DEFENDANT

Court: this matter is for arraignment

Defendant present in court

Offence: cheating by personation punishable under section 324 of the penal code

Appearance: T. M. Anenmeze for the prosecution EFCC.

Defence: J. I. Ozuruonye for the defendant

Prosecution: before the court is a one court charge dated 6-12-2023 filed on the 11/12/2023, humbly apply that the said charge be read to the defendant to enable him take his plea.

Court: the one count charge is read and explained to the defendant the defendant is 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 line with the plea of guilty entered by the defendant apply that the defendant be convict accordingly.

Court: in accordance with the provisions of section 112(8) of the ACJA 2015 I shall convict the defendant base on its plea.

CONVICTION

I am satisfied that the defendant having 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 for the offence of personation contrary to section 321 and punishable under section 324 of the penal code triable by this court.

ALLOCUTUS:

I humbly ask for forgiveness from the court and during my detention at the EFCC office I had time to reflect on my real action and I realize my mistake, as stated due to bad influence. I ask for the forgiveness of the court and promise no to defraud any other person again.

Defendant counsel: we plead for leniency and the court to temper justice with mercy. The defendant is a young graduate and Went into the act as a result of Peer pressure. that the defendant shows remorse and promise not to go back to such act again.

The defendant has fully restituted and forfeited same and urge the court to show mercy in exercise the option of fine against any other alternative punishable as contain on the plea bargain agreement signed by the representative parties.

Prosecution: we have a plea bargain agreement before the court filed on the 11/12/2023 we adopt the said terms of agreement fully signed by representative parties and urging the court to consider the plea bargain in sentencing the convict.

Court the plea bargain agreement signed by the parties is hereby adopted and forms the judgement of this court.

SIGNED

JUDGE

15/12/2023

SENTENCE

A careful perusal of the charge before the court and the plea of guilty by the Defendant, I have to consider the plea bargain agreement in sentencing the convict.

In doing that, I am guided with the provisions of section 20(1) a,b, &c, 2&3, section 22(2), 25(c) and S. 33(1) (2) of the EFCC Act. Hence the convict is hereby sentenced as follows:

1. To one year imprisonment or an option of fine if #200,000.00(Five Hundred Thousand Naira)
2. The iPhone 12 pro max, Tecno Povoir and a Nokia torchlight are hereby ordered to be forfeited to the FG and the forfeited phones are to be sold and the proceeds realized be paid to the consolidated Revenue of the FG through the EFCC
3. The sum of \$700 received from the convict should be restituted and paid to the Federal Government of Nigeria through the EFCC account.

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Hon. Justice A. Y. Shafa