

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT GWAGWALADA- ABUJA**

**THIS TUESDAY THE 5<sup>TH</sup> DAY OF MARCH, 2024**

**BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI**

**SUIT NO: FCT/HC/GWD/CR/02/2024**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT**

**AND**

**NWANKWO VICTOR..... DEFENDANT**

Court: Arraignment

Defendant present in court

Appearance: Gabriella Ushie for the prosecution.

Defence: S. O. ABUBAKAR for the Defendant.

Prosecution: the matter before the court is a charge, we have a one count charge dated the 15-01-2024 and filed on the same date.

We Apply to the court to read the said one count to the hearing of the Defendant.

Court clerk proceed

Court the one count charge with the offence cheating by personation was read and explained to the Defendant the defendant was called upon to reply to the said one count charge of cheating by personation.

Court: Defendant do you understand the said one count charge of cheating by personation.

Court: yes I understand

court: Defendant are you guilty or not guilty?

Defendant I am guilty my Lord

Prosecution: given the Defendant's plea of guilty, we humbly apply that he be convicted and sentenced accordingly.

### CONVICTION

I am satisfied that the Defendant understood the content of the one count charge of the offence of cheating by personation read and explained to him having admitted same knowing the consequences of his admission. This court will accept the plea of guilty made by the Defendant and convict the defendant for the offence of cheating by personation the offence punishable under section 324 of the Penal code and triable by this court.

### ALLOCUTUS

That I want this court to temper justice with mercy nowim a change person and if given a record chance I want to it again. Agraduate of Eboyi State University of 2022.

Defendant counsel

The Defendant is a first time offender who has indeed towed the wrong path. That the Defendant is remorseful and has promised himself to turn on new leaf and do better with his life forthwithif given the opportunity.

Plead to the court not to condemn the Defendant but shouldgive him a second chance to life.

Plead and urge the court to temper justice with mercy.

Court: prosecution do you have any record of previous conviction of the Defendant/convict known to you.

Prosecution: none to my knowledge

Prosecution in the course of investigation we were able to recover proceeds of crime which is an iPhone 11 and we apply that the said iPhone be forfeited.

Court: case adjourned to 11:300 am for sentence.

SIGNED

JUDGE

5/3/2024

### SENTENCE

The convict, one Nwankwo Victor was alleged to have committed an attempt of cheating to wit by impersonation when he cheated a Chrome account with the profile name M-Joseph Joe, a citizen of the United States of America and fraudulently purchased an iPhone 11 worth the sum of One Hundred and Fifty Dollars (\$150).

The charge with No GWD/CR/02/24 was assigned to this court and is dated 25/1/24.

Upon Arraignment, the charge was read and explained to the Defendant based on his plea of guilty to the offence contrary to section 324 of the same law.

The convict then took the option to plead Allocutus, he urged the court to temper justice with mercy as he is a changed person and also saying that he won't commit such crime again. The convict informed this Honourable court that he is an undergraduate of Ebonyi State University.

The defence counsel informed the court that the convict is a first time offender who has indeed shown remorse, and he has changed his way of life and turned a new leaf.

This court having carefully listened to the plea of allocutus made by the constitution especially with regards to him being an undergraduate, it's obvious that if the convict is indeed a changed person he can make a good future out of himself. However, it's pertinent to state the act of the convict has left a lot to be desired as there is never a justification for any one to go into crime.

The trend of having a society where majority of the youths are lured into cyber crime/Internet fraud quite easily has to stop or be reduced drastically and the only way this can be done is by punishing offenders whom have committed such crimes.

Hence, the convict is hereby sentenced to one(1) year imprisonment with an option of fine of the sum of one Hundred Thousand Naira (#100,000).

Further more, the iPhone 11 which is the proceed of the crime is hereby forfeited to the FGN through the EFCC.

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**Hon. Justice A. Y. Shafa**