

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 SHAFI

SUIT NO: FCT/HC/CR/622/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

NWEZE CHINEMELUM (AKA MICHAEL WEBER)DEFENDENT

Court: case for arraignment offence fraudulently obtained the sum of £400,00 through gift card from one Simon and thereby committed an offence punishable under section 324 of the penal code. Defendant present in court.

Prosecution: F. I Hemma Sani EFCC for prosecution with Christopher Mshelia

Defence counsel: M.K. Nwogo holds the brief of Austine Olgwuanyi for the Prosecution.

Prosecution: we have one count charge before the court dated the 7/9/2023 and filed on the 11/9/2023, the defendant before the court speaks English language and applied to court for the charge be read to the defendant in order for him to take it's plea.

Court: defendant do you have any objection?

Defence: no objection

Court/clerk: proceed

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

Court: defendant do you understand the charge?

Defendant: yes

Court: defendant are you guilty or not guilty.

Defendant: I am guilty

Prosecution: pray the court to convict the defendant in line with the plea bargain agreement signed by both parties dated and filed on the 18/9/2023.

Court: defence: do you have any objection

Defence no objection.

CONVICTION:

I am satisfied that the defendant before the court has understood the one count charge read and explained to him, plead guilty to the charge, knowing fully well the consequences of his act, or offence, I shall accept the defendant plea of guilty and convict the defendant for the offence of fraudulently obtaining the sum of £400.00 through gift card from the Simon the offence punishable under section 324 of the penal court law by this court.

ALLOCUTUS:

I want the court to please forgive me, I am sorry it is a mistake. The court should have mercy on me and I promise not to do it again. I have learned my lesson I am now a born again and I want the court to forgive me.

In addition, the convict who is 19 years is a first time offender, he has also paid back in full and restituted in full the amount benefited in this crime. As a vocation the defendant is a hairstylist, this is what he was doing before finding his way to the crime due to peer pressure and urged the court to exercise its leniency in giving sentence in line with section 270 (1) (b) of the ACJA 2015. He has obligated himself to live an upright life and one that will be worthy as the first son of the family and also this is going to be a reflection to justice of the system to this Hon. Court.

Court: prosecution do you have any record of the defendant's previous conviction.

Not to my knowledge

Court: this case stood down for sentence.

SENTENCE:

The defendant before this court was convicted for the offence of fraudulently obtaining the sum of £400 (four hundred Euro) through gift card from one Simon the offence punishable under section 324 of the penal code.

The brief facts of the charge are as follows:

That the defendant sometimes in the year 2023, in Abuja, within the Jurisdiction of the High court of FCT, did cheat by impersonation when he pretended to be one Micheal Weber and in that assumed character fraudulently obtained the sum of £400,00 (four hundred Euro) through gift card from one Simon.

The defendant pleaded guilty to the said one count charge and was convicted under section 324 of the penal code law.

The convict in it's plea of allocutus pleaded to the court to please forgive him that he is sorry and it is was a mistake and that he won't do it again. That the court should temper justice with mercy as he promised not to do it again. As he has learned his lesson. That he is a born again and want the court to forgive him.

In addition, the learned defence counsel to the defendant one M.C. Nwago pleaded to the court to temper justice with mercy as the convict is a young boy and just 19 years of age. That the convict has truly paid back the money in full the amount he benefitted in this crime. That as a vocation the convict is a hairstylist and urge the court to exercise it's discretion or leniency in given lesser sentence in line with section 770 (11) (b) of the ACJA 2015. That the convict has obligated himself to live an upright life and one that will be worthy as the first son of the family and also this is going to be a reflection of justice of the system to this court.

After a carefully perusal of the offence or the one count charge, the allocutus made by the convict in addition with the one made by the defence counsel to the convict, I have found reason, why this court will temper justice with mercy. The convict is still in his youthful age therefore sending the convict to prison or correctional service centre will make him to be more hardend having mingled with other like minds.

In view of the forgoing I shall adopt the plea bargain agreement filed and dated the 18/9/2023 as doing otherwise would not be in the good interest of this court and the convict having agreed on the plea bargain.

The court will order as follows:

1. The convict is hereby sentenced to one-year imprisonment or a fine of N300,000.00.
2. The convict's Tecno Pop7 which was used as instrument for his criminal exploit is hereby forfeited to the FGN.
3. The forfeited Techno Pop 7 be sold by the EFCC and the proceed of sale paid to the proceed of crime account of FGN.

4. That convict shall depose to an affidavit of undertaking to be of good behaviour for one year.

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Hon. Justice A. Y. Shafa