

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE GWAGWALADA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS WEDNESDAY THE 23RD DAY OF MARCH, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/17/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

OKORIE DANIEL.....DEFENDANT

Court case for arraignment

offence (1) section 83(3) and punishable under section 322 of penal code act

(2) section 324 and punishable under section 324 of the penal code.

Defendant is present in court. Appearance: C. ObaseOkoh for the prosecution

Defense Eze F osinachi for the defendant.

Prosecution: the matter is for arraignment and the defendant is present in court, speak and understand English Language We urge the court to read the charges to the hearing of the defendant to allow him take his plea.

That we have a two count charge but we apply to withdraw the first count while the second count remain subsistent and valid.

In view of that we apply that the charge be read to the defendant

Court: Defense counsel do you have any objections?

Defense counsel: No objections

Court: Application made by the prosecution counsel for the withdrawal of charge number 1 is hereby granted as prayed.

SIGNED

JUDGED

23-3-2023

Court: Court clerk please proceed to read count No:2 to the hearing of the defendant so as to enable him take his plea.

Court: The offence/charge was read and explained to the defendant. The defendant was called upon to reply to the said charge.

Court: Do you understand the said charge?

Defendant: yes I do

Court: Are you guilty or not guilty?

Defendant: I am guilty.

Court: do you understand the charge perfectly correct?

Defendant: yes

Court: Are you guilty or not guilty?

Defendant: I am guilty

Prosecution: in view of the defendant's plea of guilt we apply that the defendant be convicted and sentenced accordingly.

CONVICTION

I am satisfied that the defendant before this court haven understood the charge read and explained to him to admit same knowing fully well the consequences of its admission. I shall accept the defendant's ----- and convict him of the said offence contrary to section 321 and 324 of the penal code law -----by this court

Court

Court to the convict.

You have two option before conviction

- (1) You may decide to plea to an allocutus
- (2) Call evidence of your good character.

Convict I shall want to plead an allocutus.

Pleading an allocutus

I want to plead with this honorable court to temper justice with mercy. I promise not to repeat such thing again.

Counsel it is --- the defendant having pleaded guilty and --- to the allocutus. Before the court we will be praying that the court temper justice with mercy that the defendant has learned his lesson and hopefully that he will never venture into this criminality any longer.

The defendant is still a young boy whose future is promising. The convict be given a second chance. That the court would be ----- after sentencing the convict with an option of fine

Court: is there any previous conviction by the defendant to your knowledge.

Prosecutor not to my knowledge.

We shall apply that the items, the Laptop, Max mobile phone, Iphone 13.

Redmo phone. ((black colour)).

That the defendant convict also made a payment to the EFCC Account.

SENTENCE

I have carefully listened to the plea of allocutus made by the convict himself, and the one made by his defence counsel. The convict in it's pleas recorded to the court to temper justice with mercy and promise not to repeat such again. While the defence counsel one Eze O. Osmahd pleaded to the court to kindly temper justice with mercy and they the defendant had learned his lesson and hopeful that he never venture into the criminality any longer.

That the convict is a young boy whose failure is promising and urge the court to given the convict a second chance and last that this court should be lenient t and give the convict any option of fine instead of imprisonment.

By the allocutus the convict and the pleas made by the defence counsel where he stated that the court should temper Justice with mercy to give the convict an option of fine.

I have equally gone through the statement of the convict made at the EFCC office and the said statement the convict alleged to have been born on the 26/1/2024.

This compounded the plea of the defence counsel that the convict is a young boy.

It should be noted that Nigeria have become Cyber- sectors spending significant amount and time on line. The usage of online software and services with internet access to seen or exploit victims has become the other of the day without young children of nowadays. This must henceforth stop.

This kind of offence are being treated seriously this is to prevent re-occurring the court has taken a step backwards to look on the case/plea made by the convict and the defence counsel and the age of the convict as the statement to EFCC, therefore sentencing the convict to terms of imprisonment at his age will rather compound his problem and loss of his education pursuit, as the punishment is for a term which may extend to 3 years or with fine or with both.

In view of the above, this court will also consider the sentencing guideline which I have done with an eagle eye, and have --- on the punishment in none custodial and in sentencing the convict to noncustodial, this court has considered the following.

1. The character,-----, age, health or mental condition of the convict.
2. The trial nature of the offence.
3. The ----- circumstance under which the offence was committed which makes it is expedient or any order then nominal punishment.

The essence there are of the non-custodial punishment is the fact that the convict has return the sum of N100,000 and some items consificat5ed from the convict. Reason I shall give non-custodial punishment of the convict.

In view of the forgoing and the reason gave in this judgment, I shall order the convict to be under the strict supervision of the EFCC custody for counselling for the period of 6 months and part of his duty or ----- is to clean the surrounding of the EFCC for the period of two weeks from 9am-11am in addition the convict is to enter a bond to be of good behaviour for a period of two years.

On the application made by the protection on the items confiscated from the convict the laptops and 2 phones, I ordered that both the laptops two phone be destroyed completely by the investigation office from the EFCC.

This is my Judgment.

SIGNED

JUDGED

23/3/2023