

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS THURSDAY THE 30TH DAY OF NOVEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/044/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

OREBOWALE TIMOTHY (AKA AWOTUNDE TIMOTHY)

..... DEFENDANT

COURT: case for mention on arraignment

Defendant present in court

Offence section 321 of the penal code(personation)

Appearance: Maryam Aminu Ahmed EFCC for prosecution.

Defence: M.K Nwogwu for the defence.

Prosecution: the matter is slated for arraignment charge dated the 10/11/2023 and served on the defendant we apply that the charge be read to the defendant for him to 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 charge.

Court defendant do you understand the charge?

Defendant yes I did

Court: defendant are you guilty or not guilty?

Defendant I am guilty.

Prosecution: In view of the plea of the defendant apply to the court to convict him accordingly.

CONVICTION

I have carefully listened to the plea of guilty made by the said convict, knowing fully well the consequences of its plea, I shall accept the plea of guilty made by the convict as an admission of the said offence and accordingly convict the said defendant for the offence punishable under section 324 of the penal code triable by this court:

ALLOCUTUS:

I have learned my mistake I promised to go back to my handwork. That I plea to the court to temper justice with mercy and to give me another chance.

Defence counsel: the convict is a first time offender and has never done a previous conviction or arrest and his cooperating with the EFCC throughout the investigation cooperated and has also bring back the amount of \$ 150 benefited from the crime to the EFCC.

The defendant was pushed into the Act due to pair pressure and have learned from his mistake and promise to take his vacation more surprisingly now hew will be asking that the court grant the convict a more lesser sentence.

Referred to section 270 (1) (b) of the ACJA 2015.

The defendant is a young man of 20 years hence he pleads for an option of fine.

Court: prosecution: is there any record of previous conviction of any crime known to you by the defendant.

Prosecution: none to my knowledge

Review of the facts of the case.

In the course of the investigation the crime has recovered the following:

1. 2 Samsung from the convict apply to tender the said phone as an exhibit before the court.

We Further urge the court for the forfeiture of the phone to the FGN.

The convict has restituted the sum of \$150 and we apply that the said sum be forfeited to the proceeds account of the Federation account of the Federation through the EFCC.

Further urge the court to sentence the convict.

Court the matter is adjourned to 30-11-2023 for sentence.

The convict be reminder at EFCC custody.

SIGNED

JUDGE

29/11/2023

SENTENCE

The defendant Orebowale Timothy (AKA Awotunde Timothy) was alleged sometimes in October, 2023 at Abuja within the jurisdiction of this Honourable court with intent to defraud, falsely represented himself as Awotunde Timothy and by such representation sent fraudulent electronic message to one James Crobert and obtained the sum of \$150 (one hundred dollars) through Bitcoin and the offence which is punishable under section 324 of the penal code law

Upon the charge read and explained to the defendant, he admitted the charge and hence convicted upon the conviction the defendant pleaded for mitigation of sentence. And in it's plea of mitigation of punishable pleaded to the court to temper justice with mercy that he has learned his mistake and promise to go back to his handwork and the court to offer him a second chance.

The defence counsel to the Defendant one M.K Nwogwu in addition to the plea of mitigation made by the defendant told the court that the convict is a first time offender and has never had a previous record of conviction or arrest and has cooperated with the EFCC through the investigation in this matter and has also paid back the amount of \$150 benefited from the crime to EFCC.

Furthermore, that the Defendant was pushed into the act due to peer pressure and has learned from his mistake and promised to take his vocation more seriously. That the court should grant the convict a more lesser sentence by invoking the provision of section 270(11)(b) of the ACJA 2015. That the defendant is a young man of 20 years hence applied for an option of fine.

The prosecution counsel one MaryamAminu Ahmed from the office of the EFCC concurred with the defence has told the court that the convict has no previous criminal record to his knowledge.

Proceeded that, in the course of investigation the commission recovered the following items from the convict.

1. 2 Samsung phone from the convict.

This she applied to the court for the forfeiture of the phone to the EFCC.

1. That the convict has restituted the sum of \$150 (one hundred dollars and apply that the sum be forfeited to the proceeded account of the FGN through the EFCC.
2. The court to sentence the convict

I have carefully gone through the charge, and listened to the plea of guilty made by the defendant, and he plea of mitigation of punishment by the defendant and that of the defence counsel, I have this to say.

Cybercrime or most people are already aware refer to criminal acts such as identity theft and bank frauds facilitated using the internet sadly, is often cited as a breeding ground for most of these nefarious practices because of the activities of some of our citizens, committing all manner of crime that give us a bad image globally.

The fraudsters are increasingly taking advantage of the rise in online transaction electronic shopping e-commerce and the electronic messaging system to engage in all manner of crime, despite the effort placed by the EFCC, yet the yahoo boys, still clearly through cybercafé promises, transact their business with the owners looking away.

This new crime is denting and drilling holes in the economy of the nation. Apart from the destruction cyber-crime does to the erosion of confidence in genuine Nigerian commercial credibility.

It is to be noted too that the advent of social media has easily spread awareness of cybercrime among students, in Nigeria. This has drastically increased the quest for participation in cybercrime having seen the lavish lifestyle flaunted on social media, clubs either social gathering, not knowing the danger behind this wealth. Some youth goes for as withdrawing from school to join the pyramid of cybercrimes. Cybercrime whether yahoo. Yahoo or yahoo plus among student have grievous consequences for the student themselves, the school, their parents and society. Student who are blinded by sudden and unaccepted affluence become deviant and arrogantly disrespect of their schools. Some of them are snobs and as such they cannot associate with or live peacefully with their peer group. The impact of adversely on their academic. The effect therefore among the youths is that they impinge their criminality and that of their parent and guardians. I say no more.

In view of the forgoing this court view the offence very seriously as such will mitigation of punishable made by the convict and the defendant. This is in view to curtail the rate of cybercrime in our society at large.

In view of the forgoing I shall make the following order.

1. The convict is hereby sentenced to six months' imprisonment or to pay a fine of N150,000.00 (One Hundred and fifty thousand Naira only)
2. The sum of N150,000.00 (One Hundred dollars paid by the convict be returned to the owner one James Crobert through the office of the EFCC or alternatively paid to the cofer of the EFCC and the receipt be forwarded to the court.
3. The forfeited items recovered i.ethe 2 Samsung phone to be sold and have proceed paid to the Coffers of the FGN through the office of the EFCC with evidence of payment filed in the court file through the Registry of the court.

This is my order/judgement.

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Hon. Justice A. Y. Shafa