

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

**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT GWAGWALADA- ABUJA**

**THIS TUESDAY THE 11<sup>TH</sup> DAY OF SEPTEMBER, 2023**

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

**SUIT NO: FCT/HC/GWD/CR/76/2023**

**BETWEEN:**

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

**AND**

**OREVA OMOJEVWE.....DEFENDENT**

court: this matter is adjourned for arraignment.

defendant in court: cheating by impersonation section 85 of the penal code of law punishable under section 324 of the penal code.

Appearance: S. N. Robert for the prosecution.

Defence: Sigis Agha for the defendant.

Prosecution: the matter is for arraignment and we shall apply that the amended charge be read to the defendant and the for old charge be struck out.

Court defence: any objection.

Defence: no objection

Court: the oral application and by the prosecution to withdraw the former charge replace with in amended charge is hereby granted and the former charge is hereby withdrawn.

Court: Read the amended charge.

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

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

Defendant: yes I do

Court Defence: are you guilty or not guilty

Court: defendant do you understand the said charge.

Defendant yes I do

Court: defendant are you guilty or not guilty

Defendant: I am guilty

Prosecution: in view of plea of guilty entered by the defendant, i pray the court to convict the defendant accordingly.

### **CONVICTION**

I am satisfied that the defendant haven understood the consequences of the one count charge read and explained to him and pleaded guilty knowing fully well the nature and the punishment of the said offence committed, I shall proceed under section 12(8) of the ACJA, to convict the defendant for the offence of cheating by impersonation punishable under section 324 of the penal code law triable by this court.

Convict: I would prefer to plea an allocutus.

### **ALLOCUTUS:**

I know it not an excuse what I did was wrong, and I was not making sales in my car business and my wife just put to bed and things were very hard for me, so I went into it and after, i was arrested.

Begging for forgiveness. And I will go back to be a good citizen.

Counsel: the defendant has expressed regret, not first before this court, but overtime while he was detained and being investigated. It obvious in life that some

wishes all one good for the heads to the imagination until the reality strips us that is the situation on the defendant.

He made an attempt to build castle in the air by heads. But fortunately for the convict, government have the way of drawing is back to him, the defendant has over the time throughout the period of his arrest have been expressing regret.

The convict is a young father to a three-month baby, I pray that the hammer of justice should not fall on the convict as it ought to be. he has already learnt his lesson. the period with the convict in the EFCC was the lesson teacher and which he will never forget in his life. Is a first time offence and beg the court to temper justice with mercy and appeal to the kind discretion of this court to put into consideration non-custodial sentence, the convict will not make a nuisance to the society.

Prosecution: do you have any record of the past convict of the defendant

Prosecution: none

Prosecution: during time of arrest and investigation of the convict I-phone 12 was found in his possession which was used by the convict as an instrument to commit an offence.

We pray the court that the item be forfeited to the FRN through the prosecution agency oras the court may deem fit.

Court: this matter is adjourned to 11/7/2023for sentence. The convict be remanded at the EFCC custody for sentence.

**SIGNED**

**JUDGE**

**10/7/2023**

**RESUMED**

**11/7/2023**

Court: case adjourned for sentence,

Appearance: Maryam Sharriff for the prosecution.

Defence: Sigis Agha for the convict.

Prosecution: the matter slated for today is for sentence

Court: here the sentence of the court.

### **SENTENCE**

The convict sometime in 2023, in Abuja fraudulently attempted to cheat by impersonation when he downloaded pictures on the internet for the purpose of committing an offence and thereby committed an offence contrary to section 95 and section 321 of the penal code law 1990.

The amended charge with No CR/76/23 was assigned to this honourable court and was filed on the 30<sup>th</sup> day of June, 2023. Subsequently Arraignment was then fixed for the 10<sup>th</sup> day of July, 2023.

The Charge was then read to the defendant and he then pleaded guilty to it after indicating that he understands same. The prosecution then urged the court to convict the defendant and sentence him accordingly in view of his plea.

The Convict in pleading allocutus, was remorseful and apologetic and begged the court for forgiveness and that he will be a better person after the experience. The defendant counsel informed the court that the defendant already regrets his actions heavily and hence pleaded with the court to temper justice with mercy in sentencing the Convict. The Defendant's counsel also urged the court to grant a non-custodial sentence to the defendant.

The prosecution counsel then informed this court that he has no knowledge of any previous conviction of the defendant. He also informed the court that an IPHONE 12 which is the instrument of criminality used by the Convict was recovered and he then applied that the phone be forfeited to the federal Government through the commission or as the court may deem fit.

The convict even though remorseful and apologetic notwithstanding has a tendency to corrupt the morality of his immediate community and the society at large if not checked or punished properly or as may be deemed fit.

Having carefully listened to the plea of allocutus made by the convict, and having seen that he is remorseful and ready to change his ways, the court is inclined to give him a non-custodial sentence as sending him to prison will most likely make him hardened.

In view of the foregoing, the convict is hereby sentenced to Two days of community service i.e to cut overgrown grasses around the court premises between the hours of 10:00 am and 1:00 pm, on the 13<sup>th</sup> (Thursday) and 14<sup>th</sup> (Friday) day of July, 2023.

In addition to this, the I-phone 12 which is the instrument of criminality should be destroyed and burnt within the court premises. This should be done with the supervision of the Prosecution and Defence counsel, together with a Staff of the court and the Police orderly.

This is the judgment of the court.

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