

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS WEDNESDAY THE 15TH DAY OF DECEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/134/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

OSIFOH EWAEN SYDNEY (AKA GEORGE EZRA)..... DEFENDANT

Defendant: present in court speaks English language

Offence: personation section 321 of the penal code punishable under section 324 of the penal code.

Appearance: Maryam Aminu Ahmed EFCC for prosecution.

Defendant: Samuel Akoh for the defendant holding the brief of GoddeyOwobu for the defendant.

Prosecution: the matter is for arraignment a charge dated 7-12-2023 has been served on the defendant we apply that the charge be read to the defendant to enable him take his plea

Court: the one court 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 understand the charge

Court: defendant are you guilty or not guilty?

Defendant I am guilty.

Prosecution: In view of the plea of the defendant, we urge the court to convict him accordingly.

Court: by the provision of section 12(8) of the ACJA 2015, I shall proceed to convict the defendant.

CONVICTION

I am satisfied that the Defendant before the court understand the content of the charge read and explained to him in English language and pleaded guilty knowing fully well the consequently of its plea, I will accept the defendant plea of guilty and will proceed to convict the defendant for the offence punishable under section 324 of the penal code triable by this court.

Prosecution: following investigations carried out by the commission we recovered Samsung Note 20 ultra from the convict we urge the court to forfeit the said item to the FGN. We Further urge the court that the sum of \$2,500 received from the convict as restitution be paid to proceeds of fraud account of the Federation and the court to sentence the convict accordingly.

Allocutus:

I am sorry about my crime that I am no longer into the fraudulent activities anymore. I have stopped it a long time ago. That all that is a thing of the past life to haunt me, that right now he is into poultry business.

Defence: the convict before the court have been expressed remorse over the commission of the said crime again him. The convict has fully realized that crime no matter how long committed surely one day will come back hurting you especially where the said charge is against the FGN.

Unfortunately for the convict before the court as he says that those are events of his past life that came back to him.

That by way of expressing his remorse the convict restituted to the FGN with the total sum of \$2,500.

That I ask the court to temper justice with mercy and i have stayed about a week in the custody of the EFCC

That we plead to the court that while sentencing the defendant to be more liberal and that the defendant to be sentenced to a non-custodial BB sentence.

Question prosecution is there any record of previous conviction know to you by the defendant.

Prosecution: none that I am aware of it.

SENTENCE

The convict was charged with committing the offence of cheating contrary to section 321 and punishable under section 324 of the penal code.

The defendant sometimes in October,2023 at Abuja within the Jurisdiction of this Honourable Court falsely represented himself as George Ezra a crypto currency vendor and obtained the sum of \$2,500 from one Nathean Carter through Gift Card.

The convict pleaded guilty, to the charge and he was convicted accordingly. Upon conviction, the convict pleaded with the court indicating that he no longer involves himself in crime and he has change for the better and into legal business.

The defendant counsel said that the convict has expressed remorse over the commission of the said crime and urged the court to temper justice with mercy. The prosecution agreed that there's no previous record of conviction.

1. The convict is hereby sentenced to six months in prison with an option of fine of N200,000.00.
2. The sum of \$2,500 is to be forfeited to the Federal Government of Nigeria.
3. The Samsung Note 10 Is hereby forfeited to the Federal Government of Nigeria through the EFCC, proceeds of sale as to be paid into the proceeds account of the FGN.

.....

Hon. Justice A. Y. Shafa