

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS WEDNESDAY THE 29TH DAY OF NOVEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/053/2023

BETWEEN:

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

PAUL JOHN OGUEJIOFO (AKA BENJAMIN WILSON). DEFENDANT

Court: case for arraignment

Offence: cheating contrary to section 321 punishable under section 324 of the penal code

Appearance: F. I. Hemasani for the prosecution.

Defence: Agbo J Pius for the defendant who is present in court.

Prosecution: the matter is for arraignment and before the court we have a one count charged dated and filed on the 16-11-2023 filed the 16/11/2023 and defendant speaks English Language we apply that the charge be read to the defendant in order for him to take his plea.

Defence counsel do you have any objection.

Defence counsel: no objection.

Court: clerk read the charge to the hearing of the defendant.

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

Court: defendant do you understand the one count charge.

Defendant: yes I understand

Court: defendant are you guilty or not guilty.

Defendant: I am guilty

Prosecution: in line with the plea of defendant pray the court to convict the defendant as pleaded.

We have entered a plea bargain agreement dated 21/11/2023 filed on the 28/11/2023 urge the court to enter the plea agreement as judgment of this court.

In the course of our investigation we recovered the following items.

IPhone XR and XS max were recovered for the defendant and praying the court that the items be forfeited to the FGN

CONVICTION

I am satisfied that the defendant haven understood the content of the charge read and explained to him and pleaded guilty knowing fully well the consequence of his admission. This court will accept the guilty plea entered by the defendant and convict the defendant accordingly based on its admission for the offence punishable under section 324 of the penal law.

Court: explained to the defendant/convict whether he will call evidence of his good character or plead for mercy otherwise known as allocutus.

Defendant: I want to plead allocutus.

ALLOCUTUS:

I regret my action, and I am very sorry for what I have done which was as a result of the kinds of friends I met in the school.

That for the past few months in detention in the EFCC I have learned my mistake and ensure I will never go back to the same crime again.

Defence: the defendant is a first time offender I have never had any criminal record before. We pray for mercy and urge the court to temper justice with mercy when passing trial. That the defendant have pleaded to the court not to indulge with any criminal actions again. Hence plead to the court to temper Justice with mercy.

Court: this matter is adjourned for sentence to 1:00 pm

SIGNED

JUDGE

29/11/2023

SENTENCE

The defendant was convicted for the offence of fraud contrary to section 321 of the penal code law and punishable under section 324 of the same law.

The brief facts of the case are as follows:

The convict sometimes in 2023 within the jurisdiction of the court fraudulently impersonated one Benjamin Wilson on social media and obtained the sum of \$1000 from one Raimun da Leicy, a nurse from India when he received the equivalent in Naira through his Zenith Bank Account Number: 2211904041

The defendant then pleaded guilty to the charge and upon his conviction informed the court by way of allocutus that he honestly regrets his actions and that he is sorry for what he has done, and it happened as a result of influence of friends he met in school.

He further stated that he has learnt from his mistake, and that he will never get involved in the same crime again.

The defendant counsel informed the court that the convict is a first time offender, also asking the court to temper justice with mercy.

Having listened to the plea to temper justice with mercy by the convict informing the court that he is now remorseful and fully changed as a person. It is pertinent to once again raise the alarm on the prevalent nature of cybercrime in our society especially amongst the young ones as it causes a serious hinderance to the growth of our society and also gives a bad international image to Nigeria as a nation, that being said the convict has to suffer a form of punishment for his crime.

I will rely on the evidence from the EFCC and also the plea bargain agreement which the convict entered into before conviction and sentence.

I hereby sentence the defendant to:

1. The convict is hereby sentenced to a term of 6 months' imprisonment with an option of fine of N200,000.00.
2. The proceeds of crime found in his possession which includes the iPhone XR and iPhone XS max should be sold by the commission and money realised from the sale shall be remitted to the FG's Account.
3. The sum of \$1000 should be refunded to the commission and the commission should refund same to the victim via the India High Commission or any other possible means.

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Hon. Justice A. Y. Shafa

