

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 18TH DAY OF SEPTEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/619/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

PETER OFFOR (AKA THAI NGUYEN)DEFENDENT

Court case for arraignment.

Defendant is present in court

offence attempt to cheat by personation contrary to section 95 and punishable under section 324 of the penal code law.

Prosecution: Christopher Mshelia with F.I Hamma Sam for the prosecution.

Defence counsel: M.B. Abdulazeez for the defendant.

Prosecution: The matter is for arraignment we have a charge dated 7/9/2023 file on the 11-9-2023 we apply that the charge be read to the defendant in court for him to take his plea.

Court: Defence counsel do you have any objections?

Defence: We do not have any objections.

Defence speaks and understand English.

Court clerk reads the charge to the hearing of the defendant.

Court: The charge or one count charge was read and explained to the defendant.

The defendant was called upon to reply to the said charge. defendant do you understand the said charge.

Deff: yes, I do

Court: Are you guilty or not guilty? S112(8) of ACJA 2015

Deff: I am guilty.

Pros: In line with the plea of guilty of the Deff, pray the court to convict the Deff in line with the plea bargain dated the 18/9/2023.

Court: Defence counsel do you have any objections?

Defence: we do not have any objections to the conviction of the defendant.

Conviction

I am satisfied that the defendant having understood the one count charge of attempting to cheat by personation read and explained to the defendant. the defendant who understood same pleaded guilty to the said charges knowing fully well the consequences of this plea.

This court will accept the defendant plea of guilty and consequently convict the defendant for the offence of attempt to cheat by personation punishable under section 324 of the penalcode law punishable by this court.

As per the application made by the prosecution on the plea bargain, I shall also accept the said plea bargain dated the 15/9/2023 filed on the 18/9/'2023.

ALLUCUTUS

I am sorry, my father is late and my mother is sick and had wanted to support my family that is why I committed the offence. That I have learned a lesson in my life. That I have Been in the EFCC custody for the last three weeks. Defence counsel in addition to the plea of the convict. We urge the court to temper justice with mercy, being a first time offender the three weeks he spent in custody he is remorseful and fully repentant and praysthe court to go back to his community

We urge the court to invoke it's power under s 270(11) (b) of the ACJA 2015 in considering a lesser sentence as the convict is highly indigent.

Court: case stood down to 12:30 pm for sentence.

SENTENCE

The defendant peter Offor (aka) Thai Nguyen was convicted for the offence with the intent to cheat contrary to section 95 and punishable under section 324of the penal code law respectively.

The brief facts of the case are as follows

“The convict sometimes in the year 2023 in Abuja within the jurisdiction of the high court of the federal capital territory and attempted to cheat by personation when he pretended to be one Thai Nguyen a Chinese National and assumed that character and chatted up one Helen Hu, with the intent to cheat...”

The defendant who pleaded guilty to the one count charge and was convicted and in its plea of allocutus pleaded as follows.

“I am sorry, my father is late and my mother is sick and had wanted to support my family that is why I committed the offence. That I have learned a lesson in my life. That I have been in the EFCC custody for the last three weeks. Defence counsel in addition to the plea of the convict. We urge the court to temper justice with mercy, being a first time offender the three weeks he spent in custody he is remorseful and fully repentant and pray the court to go back to his community”

The defence counsel one M.B. Abdulazeez in addition to the allocutus made by the convict urged the court to temper justice with mercy, being a first time offender the three weeks he spent in custody he is remorseful and fully repentant and pray the court to go back to his community

Furthermore, urge the court to invoke its power under s 270(11) (b) of the ACJA 2015 in considering a lesser sentence as the deff is highly indigent. I have carefully listened to the allocutus made by the convict and that of the defence counsel, but I wish to state that the rate of cybercrime in this country is so alarming. The convict being a young boy who has the opportunity creating and utilizing his youth to better himself, it is unfortunate that young boys of nowadays want to become rich overnight hence found himself behind bars. Considering the plea made by the convict and that of the defence would add no value to the life chosen by the convict. This court will not accept the allocutus made by the said convict, as from the consent, the convict and the complainant has entered a plea bargain agreement, the said which has been filed and adopted by this court. Hence I shall sentence the convict based on the plea bargain agreement entered between the parties, as parties are bound by their agreement entered voluntarily dated the 15/09/2023.

In view of the foregoing the convict is hereby sentenced as follows:

- 1) one-year imprisonment or a fine of ₦200,000.00.**
- 2) The infinix hot 20 I which was used as instrument of committing in criminal exploits is hereby ordered to be forfeited to the federal government of Nigeria.**
- 3) The forfeited infinix hot 20 is hereby ordered to be sold and the proceeds realized from the sale be paid into the proceeds of crime account of the federal government of Nigeria.**

- 4) **The convict is hereby ordered to depose to an affidavit of undertaking to be of good behaviour.**

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Hon Justice A. Y. Shafa