

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS WEDNESDAY THE 13TH DAY OF DECEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFIA

SUIT NO: FCT/HC/CR/107/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

SULEIMAN MOHAMMED (ALIAS JOSON SOMETIME)

..... DEFENDENT

Court: this matter is for arraignment.

Defence present in court.

Offence: Cheat by personation punishable under such section 324 of the penal code.

Appearance: S. O. Obila with T. M. Anameze for prosecution EFCC.

Defendant: Joseph Nyong for the defendant.

Prosecution: Before the court is a one count charge dated the 4/10/2023 and file on the 5/12/2023, we equally filed a plea bargain agreement, dated 30/11/2023 filed on the 5/12/2023, pray the court for the charge be read to the defendant as to enable him take his plea.

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

Court: defendant do you understand the charge.

Defendant yes

Court: defendant are you guilty or not guilty?

Defendant I am guilty

Prosecution: in view of the plea of guilt of the defendant we humbly pray the court to convicted and sentence the defendant based on the plea bargain before the court accordingly.

CONVICTION

I am satisfied that the Defendant having understood the one count charge read and explained to him and pleads guilty knowing fully well the consequences of the plea, this court will accept the Defendant plead if guilty, and convict the Defendant for the offence punishable under section 324 of the Penal Code Law
Pros: we recovered from the Defendant an iPhone 14 pro max and one H.P Laptop The Defendant also restituted the sum of \$400 US Dollars. We pray this court to make an order to make for the \$400 and the gadgets to be forfeited to the FGN through the EFCC office.

Allocutos:

I seek mercy from the court, it was a mistake and I regret my mistake, I promise never to do it again, I am back to my job of graphic designing. I am a graduate of Federal University of Agric Benue state.

Court: pros do you have any evidence of any previous conviction known to you by the convict?

Pros: None

Defence: That the Defendant has shown remorse and begged the court to temper justice with mercy, the Defendant/convict is a first time offender and has never committed any offence before. The con I've is a breadwinner or the family of five siblings and the one that is taking care of the study of the younger ones. Pray the court to consider the option of fine as contain in the plea bargain agreement and give the convict a second chance.

SENTENCE

A careful perusal of the charge against the Defendant is an offence bothering on fraud, punishable under section 324 of the Penal code law.

Upon the charge read and explained to the Defendant, he pleaded guilty to the one count charge and was convicted.

The defendant in its plea of Allocutos plead the court for mercy and that it was a mistake and hence regretted his mistake and promise never to do it again and also promise to go back to his work being a graphic designer. In addition, the Defendant council, he pleaded to the court to temper justice with mercy, that the convict is a first time offender who has never committed offence before and also the convict is the breadwinner of the family taking and paying the school fees of

his younger siblings. He prays the court to consider giving the convict an option of fine based on the plea bargain agreement, and the court to give the convict a second chance. The prosecution officer also told the court to adopt the plea bargain agreement entered by the convict in sentencing the convict.

I have no reservation that to adopt the plea bargaining agreement entered by the convict and the prosecution in sentencing the convict hence I adopt the Said plea bargain agreement dated the 3/11/2023 as the sentence of this court with the order as follows

1. The convict is hereby sentenced to one year imprisonment or an option of fine of 400 thousand
2. The iPhone 14pro max and the sum of \$400 dollars recovered from the convict be forfeited to the FGN through the office of the EFCC. The iPhone 14pro max and the \$400 dollars is being forfeited to the office of the FGN under the provisions of section 20 (1) a,b and c, 2 and 3, section 21 and 22 (2), 25 (c) and section 33 (1) and (2) of the EFCC act
3. The convict is to depose to an affidavit of undertaking to be of good behaviour before the court on condition the parenting guardian of the convict Also depose to an affidavit of undertaking that the convict shall be of good behaviour.

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Hon. Justice A. Y. Shafa