

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 SHAFIA

SUIT NO: FCT/HC/CR/623/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

VICTOR OGBUABOR (AKA MICHAEL WEBER)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: F.I Hamma Sam for the prosecution.

Defence counsel: M.K. Nwogu for the defendant.

Prosecution: before the court is a one count charge dated 7/9/2023 filed on the 11-9-2023 we humbly 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.

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

Court: The one 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: We pray the court to accept the plea of guilty and to convict the Defendant 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 consequence of the one count charge read and explained to him in English in language and admitted the guilt of the offence. I shall accept the defendant as guilty of the offence and consequently convict the said defendant for the offence of attempting to cheat by personation, the offence punishable under section 324 of the penal code law and triable by this court.

ALLUCUTUS

I am very sorry for doing a thing like this, as a first born of my family to find myself in this kind of situation which is a very bad behaviour that I am teaching to the younger ones which is not good and promise to change from it.

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 boy is only 19 years of age and with a long future ahead of him. He has a vocation of tailoring he has promised to get himself back with while he takes JAMB to get admission. Also the time he spent in custody he has been able to reflect on his previous actions and he has undertaken not to go back to them. We urge the court to consider a lesser sentence by invoking the provisions of section 270(11) (b) of the ACJA 2025. So urge the court.

Court: prosecution is there any record of previous conviction of the defendant?

Pros: none of my knowledge.

Court: case stood down to 1pm for sentence.

SENTENCE

The defendant was convicted for the offence with the intent to cheat contrary to section 95 and punishable under section 324 of 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 attempted to cheat by personation when he pretended to be one Michael Weber a German National and assumed that character chatted up one Julia Ilie, with the intent to cheat...”

The defendant pleaded guilty and upon conviction to the one count charge pleaded to court that he is sorry for doing a thing like this, and also very sorry and that as a first son of his family, to find himself in this kind of situation which is a very bad behaviour that he is teaching the younger ones is not good and promised to change for better.”

In addition to the allocutus by the convict, defence counsel's one M.B. Nwogo pleaded to the court to consider giving him a lesser sentence as a first time offender. That the convict is only 19 years and with a long future ahead of him. That the convict has a vocation of tailoring which he as promised to get back with while he takes his JAMB to get admission. Also the time he spent in custody he has been able to reflect on his previous actions and he has undertaken not to go back to them. Urged the court to consider a lesser sentence by invoking section 270(11)(b) of the administration of criminal Justice Act, 2015.

The prosecuting counsel who also informed the court that the convict had no previous record of conviction to their knowledge.

I have carefully listened to the plea of mercy and the words added by the defence counsel to the convict, this court is in sympathy with the convict but while the act of the convict left much to be deserved. The convict deserves a more severe

punishment as to deter other young ones on the street who have also taken to cybercrime as a means of getting rich quick, without knowing the implications.

I will also rely on the evidence presented by the EFCC and the plea bargain agreement which the convict entered into before conviction and sentence; I will also consider the convict's prayer that this court should temper justice with mercy in sentencing him being the first son of his family and a first time offender. This is in line with section 270 of the ACJA 2015, which provides that anyone who pleads guilty and enters a plea bargain agreement be given a reduced sentence.

Also the convict in his plea has promised to change from his bad ways.

Having said all these the convict is hereby sentenced to one-year imprisonment or a fine of ₦200,000.00

As regards proceeds of crime found in his possession are hereby ordered to be forfeited to the federal government of Nigeria. And the forfeited property 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.

The convict shall write an undertaking to the EFCC to be of good behaviour and never participate in any form of crime henceforth.

.....

Hon. Justice A. Y. Shafa

