

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS TUESDAY THE 20TH DAY OF FEBRUARY, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/146/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

ADEBISI SAMUEL OPEYEMI..... DEFENDANT

Court: this matter is for arraignment

The Defendant is present in court.

Offence: Cheating by personation punishable under section 324 of the penal code law.

Appearance: ChiamakaNjoku for the prosecution EFCC.

Defence Bobby Kadiri for the Defendant.

Prosecution: the matter is slated for arraignment and we are ready to proceed.

Defendant do you have any objection

Defendant: no objection.

Court: prosecution proceed

Before the court is a charge dated the 12-13-2023 asked that the charge be read to the Defendant to enable him take it's plea.

Court/Clerk read the charge to the hearing of the Defendant.

Court: the charge is read and explained to the hearing of the Defendant.

He's called upon to reply to the said charge.

Defendant, do you understand the said charge?

Defendant yes I do.

Court Defendant are you guilty or not guilty

Defendant I am guilty?

Prosecution in view of the plea of the Defendant asked that the Defendant be convicted accordingly.

CONVICTION

I am satisfied that the Defendant having understood the charge of the offence of cheating by personation read and explained to him in English language and admitted same, knowing fully well the consequences of his admission I shall convict the Defendant for the offence of cheating by impersonation punishable under section 324 of the penal code law triable by this court.

Court the court explained to the Defendant the two ways of plea of mercy one is either for him to call witnesses to his character or proceed to make an allocutus. The convict chose the second option to proceed straight to allocutus

Defendant ALLOCUTUS

Pleading for mercy; I am ignorant of the Act. I have made some changes and I'm learning data Analysis and working as a youth corperand I am serving at the National Assembly, I promise not to be involved in the act of impersonating moving forward.

Defence: that the Defendant before the court has shown remorse and egging forward he has promised not to commit such an offence.

The Defendant has learned his lesson and is now into data analysis. We Pray for the Leniency for the Defendant as the Defendant is a first time offender, we pray the court to temper justice with mercy.

Court: Prosecution: do you have any record of previous conviction of the Defendant.

Prosecution:none

Prosecution:that the convict entered into a plea bargain agreement filed before the court dated the 13/09/2023 and filed on the 15/01/2024 the agreement was fully signed by all parties and we urge the court to rely on the terms of the agreement in sentencing the Defendant.

Convict: from the plea bargain agreement is it true you were the one that signed the said agreement? If you do is it with your free will? Without threat or any inducement.

Defendant/Convict I signed the agreement at free will without any threat or promise of any nature.

SENTENCE

The Defendant one Adebisi Samuel Opeyemi Aye 23 years of Kuje FCT. That sometimes in the year 2023 in Abuja within the Jurisdiction of this Honourable Court, the Defendant with intent to defraud did cheat by personation where he assumed the identity of one Kerry-Lynn Pashal-Zondi a citizen of south Africa for the purpose of securing a job with a texting factory known as Remotely4u via an employment platform known as operating4u and by doing so fraudulently obtained property to wit: the sum of one thousand Eight Hundred and Fifty Euros (#1,850 euros).

Upon the charge being read and explained to the Defendant he admitted committing the offence and was sentenced in accordance with section 112(8) of the ACJA for the offence of cheating by personation. Section 324 of penal code.

The Defendant pleaded to the court to temper justice with mercy and regretted his actions.

The defence counsel who pleaded on behalf of the convict pleaded to the court to also temper justice with mercy. That the Defendant convict has turn a new leaf and promised not to committing same or to other crime in his life. That the Defendant convict is a first time offender and urge the court to temper justice with mercy.

The prosecution who equally informed the court that he has no record of any previous convict and wrong doing by the convict. Further they entered before the court a plea bargain agreement with the Defendant dated the 13/12/2023 and filed on the 15/1/2024 and pray the court to adopt the plea bargain agreement in sentencing the Defendant/convict.

I have carefully gone through the plea of allocutus made and by the said convict, but wish to state that the rate upon which youth of this country are indulge in cybercrime is becoming too alarming. There is a saying that say spear the rod and spoil the child.

Whom should we blame the parent or the society in this I wish to state that the society has to be blamed none the less since the convict has shown a sign of remorse and turned a new leaf, I shall adopt the plea bargain agreement in sentencing the Defendant.

In view of the forgoing the convict is hereby sentenced to one-year imprisonment or fine of #200,000.

In addition, the sum of one thousand Eight Hundred and Fifty Euros recovered from the Defendant now convict during the course of investigation is hereby ordered to be forfeited to the FGN and paid by the EFCC to the FGN-EFCC recovery account and also the item recovered i.e. the phone it is hereby forfeited and order the EFCC to auction the phone through public auction within one month and it proceed paid into the EFCC /FGN recovery Account domicile with the CBN and lastly the convict is to depose to an affidavit of undertaking to be of good behaviour along with one of his parent.

This is my Judgement

Paid: receipt No:Z13272070

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Hon. Justice A. Y. Shafa