

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS TUESDAY THE 23RD DAY OF JANUARY, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/129/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

AWOYINGBO SOLOMON DEFENDANT

Court: this matter is for arraignment

Defendant present in court

Offence section 321 of the penal code law.

Appearance: R. I. Adagba for the prosecution

S. M. Afuragwu for R. J. Mamza for the Defendant.

Prosecution today's matter is for arraignment we filed a one count charge dated the 7/11/2023 and filed on the same date.

We Apply that the charge be read to the Defendant to enable him take his plea.

Court: the charge is read and explained to the Defendant the Defendant is called upon to reply to the said charge

Court Defendant do you understand

The said charge read and explained to you?

Defendant: yes, I do.

Court: Defendant are you guilty

Defendant: yes, I am guilty

Prosecution: in view of the Defendant's plea of guilty, we pray the court to convict the Defendant accordingly

CONVICTION

I am satisfied that the Defendant having understood the content of the charge read and explained to him and admitted same knowing the consequences of his admission. The court will accept the admission made by the Defendant and convict him for the offence punishable under section 324 of the penal code and triable by this court.

Prosecution pursuant to section 270 (1) of the ACJA 2015. That the Defendant made and restituted and applied to withdraw the plea bargain agreement made 4-12-2023.

Court: the plea bargain agreement dated the 4/12/2023 and signed by the prosecution dated the 7/11/2023 is hereby withdrawn.

SIGNED

JUDGE

23/1/2024

Prosecution in the course of investigation one iPhone 11 pro Max was recovered from the convict which is an instrument of crime exploit. Apply that in the sentencing of the convict, the iPhone 11 promax be forfeited to the FGN through the commission i.e. EFCC.

CONVICT ALLOCUTUS

That I am pleading to the court that it won't repeat itself again. And from today I will be a changed boy and such act wouldn't be found in my activities.

Again and I promise to turn a new leaf. I just finished my secondary school this year.

That I was arrested at Shagamu in Ogun State and brought to Abuja since on the 7-10-2023 since was released last year on bail.

Defence counsel

In view of the allocutus the convict applied to the court to temper justice with mercy and that the convict has learned a great lesson from the crime he committed.

We Urge the court to be Lenient in sentencing the convict and the court should consider the fact that the upon arrest he was detained by the EFCC for sometime and one month before his bail was perfected.

Court: Prosecution is there any record of previous conviction by the Defendant to your knowledge

Prosecution: none to my knowledge.

SENTENCE

The convict was alleged to have admitted an offence punishable under section 324 of the penal code law, in the since that, he pretended to be one Lee Denis a British citizenon Instagram and in that assumed character fraudulently obtained the sum of \$300 three hundred pound starting from one Lee Denis a British citizen.

The convict who admitted the offence and in his plea of mitigation of sentencepleaded to the court that he will not go back to the same crime again and that from today he will be a changed person and won't be found wanting in any crime again. The defence to the convict pleaded to the court to temper justice with mercy and that the convict has learned his lesson from the crime he committed, hence the court should be Lenient with him when passing on sentence on him.

I have carefully listened to the plea of mitigation of sentence by the convict but wish to state that the rate at which this crime is being committed is too alarming and it brings bad names to our dear country.

I kept quiet for some reason being that the crimes are mostly committed by our youths for opportunity for young boys of his age don't urgent to find a useful means of likelihood but chooses to go after greener pasture so as to get rich quick the result is where he find himself today.

His plea of mercy is of no use as the court cannot fold his hands watching on the youth given Nigeria bad names.

I view of the foregoing I shall not accept the plea of mercy by the convict and he is hereby sentenced to one year (365 days) imprisonment or he is to pay a fine of N250,000.00. In lieu of imprisonment.

Secondly as for the items recovered from the convict being the iPhone 13 pro Max. I order the phone to be confiscated to the FGN and the sum of £300 pound yet to be recovered. The convict is ordered to pay the \$300 to the EFCC office and upon payment the sum recovered be paid to the account of the FGN as proceed of crime.

This is my Judgement

Note

Fine of (#250,000.00) Two Hundred and Fifty Thousand Naira only paid on the 19th Day of February, 2024 with receipt no R/N 12902605.

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Hon. Justice A. Y. Shafa