

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 15TH DAY OF JULY, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/392/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

CHINONSO PAULLINUS DEFENDANT
(AKA DANIEL WILLIEM)

Court: this matter is adjourned for arraignment

defendant present in court

offence: section 320 (a) of the penal code law.

Appearance: S. N. Robert for the prosecution

A. A. Shuaibu for the defendant

B. Prosecution: the matter is for arraignment and we are ready

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

Court: 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 guilt by the defendant we urge 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 pleaded guilty knowing fully well the consequences of his plea shall accept the plea of guilty made by the said defendant and convict the said defendant for the offence of cheating punishable under section 322 of the penal code and triable by this court.

ALLOCUTUS: I am very sorry for the attempt I made and pray the court to have mercy on me. I promise to be useful to myself and useful to the society.

Defendant: the convict is a very young offender and a first time offender who has been misled by friends and has shown remorse and owed up by deciding to turn a new leaf and make himself useful to the society. We pray to the court to exercise compassion in granting the convict an option of fine rather than imprisonment in the interest of justice.

Prosecution in the course of investigation an I-tel phone was found in the custody of the convict used for the attempt to commit the crime.

We Urge that the items i.e. the phone be forfeited to the FGN

Sentence

I have carefully heard the plea of allocutus made by the convict and his counsel and carefully looked at the offence on which the convict was convicted upon as an attempt none the less an attempt can inactively turn to the real offence if left unpunished.

In view of the foregoing I hold that the defendant will not go scot free but this court will give him a second chance to see if he will change for better and secondly imprisonment of the defendant too will not serve him right but rather will become more harden.

In view of the forgoing I shall accept the plea of allocutus made by the said convict and sentence him to an option of fine.

The convict is hereby sentenced to 3 months imprisonment of the sum of N100,000.

The item recovered being an Itel phone is hereby forfeited to the FGN through the office of the EFCC.

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Hon. Justice A. Y. Shafa