

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS TUESDAY THE 23RD DAY OF FEBRUARY, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/735/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

GODSON ABIA (AKA MANDARIN HOOKLEN) DEFENDANT

Court: case for arraignment

Defendant in court

Offence section 321 punishable under section 324 of the penal code

Appearance: O. S. Ojam for the prosecution.

Defence: A. A. Hassan for the Defendant

Prosecution the matter today is for arraignment and we are ready to proceed

Before the court is a one count charge CR/735/23 dated 31/07/23 and filed on the 25/10/2023.

We Apply that the charge be read to the Defendant in order for the Defendant to take his plea.

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

Court Defendant: do you understand the charge?

Defendant:yes I understand

Court: Defendant are you guilty or not guilty

Defendant: I am guilty

Prosecution: in view of the plea of guilty of the defendant we urge the court to convict the Defendant in line with the plea bargain agreement dated the 16/01/2024 and filed on the same. Duly signed by all parties.

CONVICTION

I am satisfied that the Defendant having understood the content of the one charge read and explained to him in English language and admitted same knowing the consequences of his admission, I shall accept the admission made by the Defendant i.e. the guilty plea and convict the Defendant for the offence of cheating by impersonation of people under sect 324 of the penal code tried by this court.

ALLOCUTUS

I am so sorry honestly this is my line and i was deceived and I am a single child of my late mother plead to the court to have mercy.

I promisenever to go back to the crime again. I have learned my lesson.

Defence counsel

In addition, the Defendant nowconvict is now a changed person, a student of Bida Polytechnic Niger State has answered one of his dream of becoming a civil engineer.

That the Defendant is a first time offender and if given an opportunity to start over, the Defendant will do better and will make the country proud.

Pray the court to exercise Leniency in favour of the Defendant.

Court: prosecution is there any record of previous conviction known to you by the Defendant

Prosecution: none to my knowledge.

SENTENCE

The Defendant one Godson Abiaso sometime in May 2023 impersonated one Chris Mandarin, a Chinese Citizen an action he committed in Abuja via Instagram within the Jurisdiction of this Honourable Court, the Defendant with intent to defraud did obtain: the sum of two thousand dollars(\$2000dollars).

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.

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,

In view of the forgoing the convict is hereby sentenced to a three (3) day community service in the Efcc headquarters under the supervision of the director legal of the Efcc.

In addition, the sum of one \$2000 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 is hereby forfeited and order the EFCC to auction the phone through public auction within one month and it proceed to pay 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

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Hon. Justice A. Y. Shafa