

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS TUESDAY THE 9TH DAY OF JULY, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/244/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

MOMODU ABDULRASHEED..... DEFENDANT

Court: this matter is adjourned for arraignment

defendant present in court

Appearance: S. N. Robert for the prosecution

Joseph Nyong for the defendant

Prosecution: the matter is for arraignment.

Before the court is a one count charge dated the 20/3/2024 filed on the 26/3/2024, we apply that the one count 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 allegation.

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 the commission. This court will accept the plea of guilty made by the said defendant and convict the said defendant for the offence of cheating punishable under section 324 of the penal code and triable by this court.

ALLOCUTUS: I plea that the court tempers justice with mercy and I'm very sorry and promise that I have turn a new leave and will not try that part anymore.

BSC in social works from university of Benin in the year 2019 as i graduated that he went for service and have a business of selling of electronics gadget and work with estate company here in Abuja.

Apo FCT, Abuja.

That he was introduced to cybercrime as a result of his mixing up with friends

Counsel: the convict is remorseful and has no record of crime before now i benefitted \$14000 and made full restitution of that sum to show that has knowledge is a wrong one

The convict is fully engaged economically and is contributing to the economy of the nation.

The plea of guilty by the defendant is to save the time of the court and the resources of the State. We undertake to monitor the defendant/convict and live to do better.

Prosecution in the course of investigation we recovered an Iphone 11 which was found in the possession of the convict and it was the instrument used to commit the said crime.

We apply that the said Iphone 11 be forfeited to the FGN through the EFCC as the court pleases.

Furthermore the convict restituted the sum of \$500 and – before the court as an exhibit, we apply that the said sum be forfeited to the FRN through the prosecution agency or as the court pleases.

Sentence

The defendant before the court was alleged to have committed an offence of cheating by impersonation, the offence punishable under section 324 of the Penal code.

The defendant in his plea of allocutus before the court pleaded to the court to temper justice with mercy that he is sorry and promised to turn a new leaf and move ahead with his life and also promised not to tread on that part anymore

The defence counsel who added his voice and told the court to temper justice with mercy. That the defendant is remorseful and is fully engaged economically and contributes to the economy of this country and prayed the court to temper justice with mercy and the defendant does not intend to waste the time of this court and resources of the court.

I have carefully listened to the allocutus made by the defendant/convict and the one made by the defence: I am satisfied indeed that the defendant is remorseful but his life has left much to be desired.

The convict is still a young boy, sending him to a correctional center will not make him better but make him hardened.

In view of this I shall temper justice with mercy. The defendant is hereby convicted to one year imprisonment or a fine of N150, 000 naira.

In addition the Iphonerecovered from the convict is hereby confiscated and forfeited to the FGN through the office of the EFCC and the \$500 is equally forfeited to the FGN through the office of the EFCC the said sum should be forwarded to the complainant through the embassy through the appropriate commission and evidence of payment of the said sum forwarded to the court within one week.

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Hon. Justice A. Y. Shafa