

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS THURSDAY THE 22ND DAY OF FEBRUARY, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/176/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

NICHOLAS AZER.....DEFENDENT

Court: case for arraignment

Offence: section 34 of the penal code punishable under section 324 of the penal code law.

Defendant present in court.

Appearance: Elizabeth Alabi for prosecution EFCC.

Defence: A. G. Ibrahim for the defendant.

Prosecution: we have before the court one count charge dated 21-01-2024 and filed on the 25/1/2024 the Defendant have been served with the copy of the charge. Apply that the charge be read to the Defendant to enable him take his plead

Court: Defendant do you have any objection.

Defendant: No objection court: clerk read the charge to Defendant

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

Defendant yes I understood

Court: Defendant are you guilty or not guilty

Defendant I am guilty

Prosecution: The Defendant having plead guilty of the charge urge the court to convict the Defendant. Section 112 of the ACJA 2015

CONVICTION

I am satisfy that the Defendant having understood the charge of one count read and explained to him, and plead guilty to the charge knowing fully the consequences of his plea, this court will accept the Defendant plea of guilty and convict the Defendant for the offence of cheating by personation punishable under section 324 of the penal code and humbly by this court.

Court: Defendant/counsel the court gave the Defendant/convict two options for the plea of mercy whether to call evidence of his good character or to proceed to plea, the Defendant chose the option to the plead

ALLOCUTUS

I'm begging the court, this one I am involved will be the first and last. I am a family man.

This offence sounds as a lesson to me right now. I want the court to temper justice with mercy.

Defence: The Defendant is a first time offender or has committed such an offence, the Defendant has no any criminal record anywhere. That the court should temper Justice him with mercy and that should be the term and last.

That the court to consider his family.

Prosecution: Do you have any record of previous criminal record against the convict.

Prosecution: none to my knowledge.

Prosecution: The Defendant wrote an application for a plea bargain and in the absence of any objection plea bargain was accepted and the party entered the plea bargain agreement signed by the prosecutor, the investigation officer and defence counsel. urged the court to accept the plea bargain agreement and enter it as the judgement of this court.

Court: that the Defendant has satisfied a minimum of three weeks at the EFCC custody.

Court: case stood down for 30 minutes

SENTENCE

The Defendant was convicted for the offence of fraudulent impersonation contrary to section 321 of the penal code Act and punishable under section 324 of the same Act.

The brief facts of the case are as follows:

The convict on or about the 6th day of April, 2022 in Abuja within the Jurisdiction of this Honourable court fraudulently impersonated an investigator with the EFCC and induced one Olufemi Gabriel to transfer four thousand, three hundred dollars (\$4,300) worth of Bitcoin into Labor Mohammed Abdullahi 's Bit coin wallet and of which he benefitted #300,000”

The Defendant pleaded guilty after the charge was read out to him and the court proceeded to convict him.

The convict then chose to plead Allocutus and he begged the court saying that he is very remorseful and he has also learnt his lesson, further pleading with the court to temper justice with mercy.

The defence counsel further pleaded with the court stating that the convict is a first time offender also asking the court to temper justice with mercy.

The prosecution counsel further informed the court that the parties and Counsel have entered into a plea bargain agreement dated the 21st day of January, 2024 and filed on the 25th day of January, 2024. The prosecution counsel also asked the court to adopt the plea bargain agreement as the judgement of the court.

I have carefully listened to the plea of mercy and the words added by the defence counsel to the convict this court is in sympathy with the convict whole the act of the convict leaves much to be deserved, the convict deserves a severe punishment to deter other you g ones on the streets who have also taken to cybercrime as a means of getting rich quick, without recognizing the implications.

The plea bargain agreement signed by counsel and the convict is hereby accepted by this court and the convict is hereby sentenced as follows:

1. The convict is hereby sentenced to a term of six months' imprisonment or a fine of N300,000.00 (Three Hundred Thousand Naira)
2. The convict shall depose to an affidavit of undertaking to be of good behaviour
3. The sum of N300,000.00 paid to Ogala Raphael as proceed of crime shall be forfeited to the FGN.

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Hon. Justice A. Y. Shafa