

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT GWAGWALADA- ABUJA**

**THIS TUESDAY THE 16<sup>TH</sup> DAY OF JULY, 2024**

**BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI**

**SUIT NO: FCT/HC/CR/617/2024**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT**

**AND**

**OCHAI GODWIN..... DEFENDANT**

COURT: defendant is present in court.

Offence cheating by impersonation, contrary to section 321 of the penal code law.

Appearance: F.I. Hamsani for the prosecution EFCC

Defence: O. C. Oseni for the defendant

Prosecution

Before the court is a one count charge dated 25/6/2024 filed on the 8/7/2024 the defendant understand English and applies that the charge be read to the defendant in order for him to 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

Defendant: yes I do

Court: are you guilty or not guilty

Defendant I am guilty

## Prosecution

In view of the plea of guilty of the defendant we apply that the defendant be convicted accordingly.

## CONVICTION

The defendant having pleaded guilty to the one count charge, he is hereby convicted for the offence of cheating by impersonation, the offence punishable under section 3214 of the PENAL Code law triable by this court

## ALLOCUTUS

I plead that the court should temper justice with mercy as I am a victim of circumstance, it was as a result of bad friends and influence that made him indulge in this act.

That he is now a changed man and promised not to go back to the crime. That he has spent about 1 month and 3 days at EFCC custody and it has made him to realize to have a deep refection and also he brought to his victim as well as the family members and wellwishers.

That he promised to go back to his job and serve the nation and be a law abiding citizen of the FRN. I am 26 years old. And an under graduated from University of Nsukka Nigeria.

Defence: counsel the convict has shown a sober reaction reaction and urged the court to temper justice with mercy as the incarceration of the victim (convict) will do more harm in the society.

That the convict is survived by a widow mother who has health complications and suffers an untold hardship, hence urged the court to temper justice with mercy and promised not to indulge in the internet fraud again

## Prosecution:

During the course of investigation an Iphone 11 Pro was recovered which was the instrument used for the crime and we apply that the said instrument be forfeited to the FGN through the office of EFCC. The convict is to forfeit the N500, 000.00 Naira to the EFCC.

## SENTENCE

I have carefully listened to the plea of allocutus made by the said convict and that of the defence coming on behalf of the convict I still have my reservations that the convict does not deserve the sympathy of this court despite the plea of allocutus made before the court.

I say this because the act of cybercrime is alarming within the youth, firstly for the aim to get rich and playing with flashy cars to impress their friends that they have arrived now here is his situation.

The act of the convict left much to be desired hence this court will be very serious in passing sentence on the convict

Hence the convict is hereby sentenced to 6 months imprisonment or a fine of N250, 000.

In conclusion the items recovered in the course of investigation is hereby forfeited to the FGN through the office of the EFCC and same as the N500,000.00 be returned to the victims if known or if not known be paid into the FGN recovery of proceeds account and receipt be furnished to this court for record keeping.

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**Hon. Justice A. Y. Shafa**