

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS TUESDAY THE 22ND DAY OF FEBRUARY, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/138/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

OKEKE HENRY (AKA JINHAI) DEFENDANT

Court: this matter is slated for arraignment

Defendant present in court

Appearance: Elizabeth Alabi for the prosecution

Defence counsel: Kelechi Aninba for the Defendant

Prosecution: the matter is slated today for Arraignment. The Defendant has been served with the copy of the charge dated 3/11/2023 and has also filed a plea bargain agreement.

Subject to the overriding convenience of the court, we are ready to proceed.

Defence:we are ready

Court/clerk proceed to read the charge to the hearing of the Defendant

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

Court: do you understand the charge read and explained to you.

Defendant yes I understood the charge

Court: Defendant are you guilty or not guilty

Defendant I am guilty

Prosecution: have before the court a plea bargain agreement signed by the parties, I urge the court to accept the plea bargain agreement and adopt same as the judgment of the court.

Prosecution: The Defendant having pleaded guilty to the charge urges the court to convict the Defendant accordingly

CONVICTION

This defendant having pleaded guilty to the charge read and explained to him in English language knowing fully well the consequences of his plea, this court will accept the guilty plea entered by the Defendant and shall convict the Defendant for the offence punishable under section 324 of the penal code law and triable by this court.

Court: two options were explained to the Defendant before sentence. One is for the Defendant to call witnesses of his good character before sentence and the 2nd for the Defendant to plead for mercy Allocutus

The Defendant opted for second option i.e. allocutus plea for mercy.

ALLOCUTUS

The honest truth is that I have accepted the charge that I am guilty.

I am Asking the court to forgive me and temper justice with mercy.

A graduated from Anambra State University Biological Science in the year 2017 then I entered into cyber business since the year 2020

Defendant counsel: on behalf of the Defendant we sincerely urge the court to be minimal in the sentencing. The is a first time offender and no record of any previous crime by the Defendant.

The Defendant has an aged father that he is struggling to take care of. The Defendant has shown great remorse and has regretted completely his actions and he has returned all the instruments, used to perpetrate the crime to the EFCC including all the money he recovered while perpetrating this crime. The Defendant is a new person entirely different from the old person that committed this crime.

In the light of this, we most graciously urge the court to in the interest of justice temper justice with mercy and sentence the Defendant in line with the plea bargain agreement.

Court Prosecution is there any previous record of conviction known to you by the convict.

Prosecution: none known to the prosecution.

Before the court is a plea bargain agreement which was signed by the parties, Prosecution, the Defendant counsel and the Defendant himself and the investigating officer. Urge the court to accept the plea bargain agreement and adopt it by the judgement of the court in respect of this case.

Court: convict/ Defendant is it true you entered into the plea bargain agreement

Defendant/convict: yes I did.

Court: Defendant/convict with your free will without threat, or promise of any nature?

Defendant: I entered same with my free will

Prosecution: the item which was used in committing the crime being the subject matter was not brought before this court.

Hence I order the prosecution to bring those items before I sentence hence this matter is adjourned to 22/2/2024 for sentence.

The Defendant be remanded in Suleja correctional center.

SIGNED

JUDGE

2/2/2024

SENTENCE

The convict one Okeke Henry (aka Jinhai) was alleged to have committed an offence of cheating punishable under section 324 of the penal code law, to wit: cheating by personation.

The convict was alleged sometime in the year 2022 within the Jurisdiction of this Honourable court did fraudulently impersonated a United States citizen named Jinhai on Telegram Account, and by so doing obtained the sum of \$950 (Nine Hundred) and Fifty Dollars from one Yilian Garcia on a dating site on pinned message Blenvenido A Bitbankpro Org.

The charge with Cr/137/2023 dated 3/11/2023 filed on the 11/12/2023 and assigned to this court on the 14/12/2023. Arraigned today being 19/02/2024 whereof the charge was read and explained to the Defendant who I turned pleaded guilty to the one count charge and base upon the guilty plea, the Defendant/convict was convicted for the offence of cheating by personation punishable under section 324 of the penal code law.

After conviction, before proceeding to convict the convict, the court explained the two options open to the convict.

1st under section 81 of the evidence Act 2011

It provides: in criminal proceedings, evidence of fact that a Defendant is of good character is admissible

Meaning that, the Defendant is to call evidence of his good character before sentence.

2nd plea of mercy Allocutus

The Defendant/convict who then chose the 2nd option

ALLOCUTUS:

The convict in his allocutus stated that, the honest truth is that he has accepted the charge that he is guilty.

Asking the court to forgive him and the court to temper justice with mercy. That he is a graduate of Anambra State

University, and a Biological Science in the year 2017. That he entered into cyber crime business since the year 2020.

The defence counsel one Kelechi Aninba, court to be Magnanimous and honest in sentencing. That the convict is a first time offender and has no record of any previous crime or conviction. That the convict has aged father that he is struggling to take care of him and that the Defendant has showed great remorseful and have regretted completely his action, activities and have returned all instrument used to perpetuate the crime to the EFCC including all the money he received while perpetrating the crime. In the light of the above, urge this court to be inagnamamous in the interest of justice temper justice with mercy and sentence the convict in line with the plea bargain agreement entered.

The prosecuting counsel on the other hand informed the court that he has no record of any previous conviction known to them by the convict. Proceeded by saying that they have a plea bargain agreement which was entered or signed by the parties, the prosecutor, the Defendant himself, the investigating officer and therefore urged the court to accept the plea bargain agreement and adopt it as the judgement of the court in respectof this case.

The court asked the convict whether he is a party to the plea bargain agreement sought to be adopted by the court. In his words he said he entered the plea bargain agreement at his own free will.

I have carefully listened to the allocutus made by the defence counsel, even though, the convict is a first time offender, it is important for this court to comment briefly on the effect of the growing menace of cybercrime and how it has brought about a high level of decadence in our society as of today. It has absolutely corrupted the minds of a large new member of our youths who are now syndrome not minding the aftermath or consequences of their actions.

The image of Nigeria in the international scene is also being affected by the actions of our youths, talk more of the victims of the crime.

The convict who is a graduate of Biological Science from Anambra State University, whom the society expects to be an ambassador of the youth or young ones, but choose to follow the society to get rich soon” syndrome fortunately, the law has now caughtup with him.

The convict must have to pay for his crime despite the adoption of the plea bargain agreement entered this is to save as a reminder to himself with respect to any future actions to be taken by him and this will save as a deterrent to any body thinking of towing the wayward lifestyle of any form of criminality.

By mere seeing, the convict is a young boy who went after early wealth and did not envisage the law catching with him, this court with not allow the convict to go unpunished hence I will adopt, the plea bargain agreement, dated the 19/12/2023 as the basis of my sentence.

In view of the foregoing, the convict is hereby sentenced to five (5) months imprisonment or he is to pay a fine of #150,000.00 (one Hundred and Fifty Thousand Naira) only. In addition, the convict shall depose to an affidavit of undertaking to be good behaviour.

As regards the sum recovered, \$950 Nine Hundred and Fifty Dollars), the H P Elite Book Laptop, Oppo A155 Phone and and Samsung S9 recovered from the convict, shall be forfeited to the Federal Government of Nigeria.

This is my Judgement.

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Hon. Justice A. Y. Shafa