

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS WEDNESDAY THE 17TH DAY OF JULY, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/631/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA. COMPLAINANT

AND

ROCK PRAISE TOBI.....DEFENDENT

Defendant present in court

Offence: section 95 of the penal code law

Appearance: t. m. Anameze holding the brief of Hadiza Afegbua for the prosecution

Defence counsel: Q. U. Ebong for the defendant who is in court.

Prosecution: before the court is a one count charge of an attempt to cheat by personation. The charge is dated the 8/7/24 and filed on the 10/7/24. With the leave of this court we urge the court to read the charge to the hearing of the defendant to enable him take his plea.

Court: the one count charge was read and explained to the defendant. The defendant is called upon to reply to the said charge.

Court: defendant are you guilty or not guilty

Defendant I am guilty

Prosecution: in line with the plea of guilty by the defendant, we submit that the defendant be convicted for the said offence.

CONVICTION

I am satisfied that the defendant having understood the substance of the charge brought and read over to him, admitted same knowing the consequences of his admission this court will accept the guilty plea made by the defendant and convict the defendant for the offence punishable under section 324 of the penal code. Cheating by personation.

ALLOCUTUS

I have learned my mistake I have been ignorant all this while and want the court to forgive him and promised not to do that again. I want the court to temper justice with mercy.

Defendant we are pleading and soliciting on behalf of the defendant that this court shows justice. The defendant is a first time offender and did not waste the time of the court. The defendant has been remorseful and has been pleading to allow him to complete his exams.

Prosecution: in the course of investigation the convict fully cooperated with the investigation and no previous record of conviction.

That the items used be forfeited to the FGN through the EFCC i.e. Iphone 14 promax

SENTENCE

I have considered the allocutus made by the defence counsel on behalf of the convict which I had to believe them as the prosecution rightly stated that the convict throughout his investigation fully cooperated with the commission and that the convict is a first time offender.

In view of the foregoing I shall give him a non-custodial sentence or suspended sentence in accordance with order 460(1) of ACJA 2015 which provides thus:

Notwithstanding the manner of any other law created an offence, where the court sees reason, the court may order that the sentence it imposed on the convict be, with or without condition, suspended in

which case, the convict shall not be required to serve the sentence in accordance with the condition of the respondent.

The essence of the above as proven by the law, is to

1. Reduce congestion in prison.
2. Rehabilitate prisoners by making them to undertake productive work and
3. Prevent convicts who commit simple offences from mixing with hardened criminals.

In view of the above the convict is hereby sentenced to 2 months only without an option of fine but the sentence is hereby suspended in accordance with section 460(1) of the ACJA.

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Hon. Justice A. Y. Shafa