

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

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT GWAGWALADA- ABUJA**

**THIS WEDNESDAY THE 3<sup>RD</sup> DAY OF JULY, 2024**

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

**SUIT NO: FCT/HC/CR/68/2024**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA. COMPLAINANT**

**AND**

**UBECHU DAVID CHIBUEZE.....DEFENDANT**

CT: This matter is for arraignment. The defendant is present in court

Offence contrary to section 321 of the penal code law

Appearance: C. ObasiOgo for the prosecution.

Defendant. S. N Abonaji for the defendant.

Pros: The matter is slated for arraignment of which the defendant is present and we're ready to proceed subject to the court's convenience.

CT: Proceed

The defendant is present in court and speaks English language, we have before the court a two count charge dated the 5/6/2024, filed 6/6/2024, we apply that the charges be read to the Defendant to enable him take his plea.

CT: The charge being the two count charge is read and explained to the defendant.

CT: the defendant is called upon to reply to the said two count charge.

1st count

CT: Do you understand the said charge?

Defendant: Yes I do

CT: Are you guilty or not guilty

Defendant: I am guilty

2nd count

CT: Do you understand the said charge?

Defendant: Yes I do

CT: Are you guilty or not guilty

Defendant: I am guilty

Pros: In view of the Defendant's plea of guilt we pray that the said Defendant be convicted and sentenced accordingly.

CONVICTION

I am satisfied that the defendant having understood the two count charge read and explained to him, and pleaded guilty to the two count charge knowing fully the consequences of his plea. This court will accept the defendant plea of guilt made and will proceed to convict the defendant for the offence of personation punishable under section 3 of the penal code law triable by this court.

Allocutus.

I want the court to temper justice with mercy and promise to never go back to scam again. I promise to be a changed person. That I have been in the EFCC custody for 3months.

A graduate from UNN and studied electrical engineering in the year 2022.

I learned the cybercrime on line on laptop HP, i stay at Jabi in Abuja alone. That I have been in cybercrime since graduating from school.

Defense counsel

The convict is a first time offender with no criminal antecedent the convict is still a young person and he is full of a bright future. We shall ask the court to temper justice with mercy.

That the convict is listed for NYSC in the next three months and the convict has restituted some money. That the remaining money the convict used it to purchase laptop and the laptop in question has been forfeited to the commission.

The convict is the first child of his family and seriously regrets his actions. Pleading with the court to temper justice with mercy.

CT: Pros do you have any record of the convict's past incidenceof crime?

Pros: None I am aware of.

Pros: upon arrest we recovered two mobile phones Samsung S8 & iPhone 7 plus and also a MacBook 2019 was also recovered which all happen to be instruments of the crime, we apply that the instruments be forfeited to the FGN through the office of the EFCC.

That the convict forfeited the sum of 1.7 million Naira.

CT: The N1.7 million restituted by the convict received by the officer of the EFCC is not before the court and nothing to show that the said money restituted was paid to the EFCC account who will not in turn pay to the FG confiscated account or payto the victims.

I have ordered the EFCC to submit to this court evidence of the collection of the 1.7 million Naira restituted by the convict evidence of payment to the account of the EFCC. Within one week.

SENTENCE

I have carefully listened to the allocutus of the convict and that of the Defense counsel it might be true that the convict might be a first time offender and which this court will on that ground temper justice with mercy. But the act of the convict left much to be desired.

Hence this court will sentence the said convict for the offence admitted

Hence the convict is hereby sentenced to 6 months imprisonment for each count or he is to pay the fine of N150, 000.00 each for the two counts.

The items recovered in the course of the investigation being instruments used in the commission of the crime is hereby forfeited to the FGN through the office of the EFCC. The said items be publicly auctioned and receipt of payment forwarded to this court for record keeping, together with the receipt of payment of the N1.7 Million restituted from the convict.

This is my judgment.

.....

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