

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

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT GWAGWALADA- ABUJA**

**THIS WEDNESDAY THE 17<sup>TH</sup> DAY OF JULY, 2024**

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

**SUIT NO: FCT/HC/GWD/CR/41/2024**

**BETWEEN:**

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

**AND**

**UCHENNA HUMPHREY..... DEFENDANT**

COURT: this matter is for arraignment, the defendant is present in court and speaks English language.

OFFENCE: section 95 of the penal code law.

Appearance: D. G.Gajere holding the brief of A.U. Ringim for the Prosecution.

Defence S. O. Abubakar for the defendant with E. M. Ibrahim holding the brief of M. S. Dennis for the defendant.

Prosecution: on the last adjourned date the defendant was arraigned and the court ordered for further investigation on the charge. We pray that we continue with the arraignment with the charge before the court and that based on the plea of guilty by the defendant that he be convicted and sentenced accordingly.

That what remains is to sentence the convict as the inconsistency had been resolved by the parties.

It is on prayer that the instrument used for the commission of the crime i.e. D-laptop, and Iphone 13, money and Intel phone be forfeited to the FGN through the EFCC.

Defence: we shall not oppose to the application but we shall brief to the court that the defendant for convict has been in detention since the last adjourned sate. We enjoy the court to invoke the provision of section 311(2) (c ) 416(2)(d) of the ACJA 2024.

## SENTENCE

The convict in this case was convicted for the offence of cheating punishable under section 322 of the penal code. The convict in his plea of allocutus pleaded to the court to temper justice with mercy and further stated that it was when he got admission to the University he was influenced by his roommate, creating fake page onwhatsapp to impersonate but later lost interest.

The defence counsel in addition to the allocutus made by the convict stated before the court that the convict is a first time offender and told the court to consider the timeousplea by the convict as a sign of remorse.

The defence counsel in addition implored the court to the provision of section 311(2)(1) and 416(2)(d) of the ACJA while sentencing the convict, the said section cited by the defence counsel provides factors to be considered by the court while sentencing the convict. The factors are as follows:

- a. The objection of sentencing including the principles of reformation and deterrence.
- b. The interest, the victim, the convict and the community.
- c. Appropriateness of non-custodial sentence or treatment in lieu of imprisonment and
- d. Previous conviction of the convict and section 416(2) (d)

And section 416(2)(d)

The trial court shall consider the period spent in previous custody awaiting or undergoing trial shall be considered and used in sentencing a convict.

I have indeed already looked at the convict and it is true that the convict has shown sign of remorsefulness over his body i.e. sign of regret.

Hence I shall consider the plea of allocutus made by the said convict by giving the convict an option of fine.

Hence the convict is hereby sentenced to 6 months imprisonment or a fine of N100, 000.00.

On the item used in committing the crime, it is hereby confiscated and forfeited to the FGN through the office of the EFCC.

This is my judgement.

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