

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS FRIDAY THE 18TH DAY OF JULY, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/459/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

YIMAM ASHAVER.....DEFENDANT

COURT: case for arraignment.

Defendant present in court

Offence section 321 of the penal code.

Appearance: Maryam Aminu Ahmed for prosecution EFCC

Defence: LayiAdemokoya for the defendant

Prosecution: the matter is slated for arraignment.

However before the arraignment there is an error on the face of the amended charge this he erroneously wrote \$5000 instead of \$2000.

The oral application for the amendment made by the Prosecution is hereby granted

SIGNED

JUDGE

18/7/2024

Prosecution: A Charge Dated the 17/7/2024 having been served on the defendant, we apply that the charge be read to the defendant to enable him take his plea

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

Court: defendant do you understand the said one count charge

Defendant yes I do

Defendant: yes I do

Court defendant: are you guilty or not guilty.

Defendant: I am guilty

Prosecution: I shall apply that the defendant be convicted based on the plea of guilty.

CONVICTION

I am satisfied that the defendant having understood the content of the charge read and explained to him and having admitted same knowing fully well the consequences of his plea. I shall accept the guilty made by the defendant and convict the defendant for the offence of cheating by impersonation, the offence punishable under section 324 of penal code and triable by this court.

Prosecution: in the course of investigation, an iPhone 12 pro max Mac book 2020, were recovered from the convict, we apply that the items be forfeited to the FGJ THROUGH the EFCC the sum of \$ 2000 paid via Bitcoin Wallet has been restituted, we further apply that the said money be paid to the proceeds of crime account of the Federation through the EFCC.

And we urge the court to sentence the convict

Allocutus:

I plead for the court to be lenient with him that he was lured into the internet fraud and has been counseled by the commission and has stay away from the crime. That he pleads to the court to have mercy on him as a first time offender.

Defence: urge the court to please temper justice with mercy, appeal to the court that the convict is a first time offender.

The convict was duly counselled by the free fraud unit while he was in custody.

The money he obtained from the victim has been fully restituted and the convict is also remorseful.

SENTENCE

The convict is hereby sentence to 3 months imprisonment or pay a fine of N100,000 while the items recovered are hereby forfeited to the FGN through the EFCC. The \$2000 recovered is to be restituted with an order that the said \$2000 be paid to the victim if found or paid to the proceeds of crime account of the FGN and a receipt forwarded to this court for record purpose.

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Hon Justice A. Y. Shafa