

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN AT JABI ABUJA

DATE: 24TH DAY OF NOVEMBER, 2020
BEFORE: HON. JUSTICE M. A. NASIR
COURT NO: 9
SUIT NO: CR/142/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ----- COMPLAINANT

AND

AYINDE SODEEQ AYOBAM (a.k.a Mark Anderson) ----- DEFENDANT

RULING

The defendant was arraigned before this Court on a one count charge of fraudulent impersonation as follows:

“That you Ayinde Sodeeq Ayobami (a.k.a. Mark Anderson) sometime in 2018 within the jurisdiction of this Court did fraudulently impersonate a United States Citizen named Mark Anderson on instagram account, Mankand001 and you obtained the sum of \$900 (Nine Hundred Dollars) from Robosa Zee

through Amazon Gift card and you thereby committed an offence contrary to Section 22(2)(b)(ii) of the Cyber Crimes (Prohibition, Prevention ETC) Act, 2015 and punishable under Section 22 (2)(b)(iv) of the same Act..”

From the records of the Court the defendant was arraigned before my learned brother sitting as vacation Judge on the 24/12/2019 and he pleaded guilty to the charge. Upon the plea bargain signed and agreed by the parties, the defendant was convicted and sentenced to serve a prison term of 5 months with an option of N100,000 fine.

Upon the completion of his assignment as vacation Judge, my learned brother returned the case files to the Honourable Chief Judge who in turn assigned the case file to this Court on the 1/6/2020. It is the same charge for which the defendant has been convicted and sentenced that

is presented before this Court. Section 238(1)(a and b) of the Administration of Criminal Justice Act (ACJA), 2015 states as follows:

“(1) without prejudice to Section 226 of this Act, a defendant charged with an offence is not liable to be tried for that offence where it is shown that he has previously been:

(a) Convicted or acquitted of the same offence by a competent Court;

(b) Convicted or acquitted by a competent Court on a charge on which he might have offence charged; or...”

The record of the conviction and sentence from the vacation Court is in the file. The totality of what I am saying is that there is no more charge against the defendant who has already been convicted. Thus the only option for the

Court is to dismiss the suit in its entirety. Thus suit No. CR/142/19 is hereby dismissed.

Signed
Honourable Judge

Appearances:

Parties absent and not represented.