

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN AT JABI ABUJA

DATE: 26TH DAY OF OCTOBER, 2020
BEFORE: HON. JUSTICE M. A. NASIR
COURT NO: 9
SUIT NO: CR/132/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ----- COMPLAINANT

AND

OLUWATIMILEHIN SEGUN SHYLLON ----- DEFENDANT

RULING

The defendant was arraigned before this Court on a one count charge of cheating contrary to Section 321 and punishable under Section 322 of the Penal Code Law. The charge reads:

“That you Oluwatimilehin Segun Shyllon (a.k.a. Jane Smith) sometime in 2019 within the jurisdiction of this Court did cheat by personation when you pretended to be an American woman named Jane

Smith on Facebook Messenger app with intent to obtain money from the Facebook friends of the said Jane Smith and you thereby committed an offence contrary to Section 321 and punishable under Section 322 of the Penal Code Cap 532 Laws of the Federation of Nigeria, 2004.”

The defendant was arraigned before my learned brother sitting as vacation Judge on the 23/12/2019 where he pleaded guilty to the above charge. Subsequent upon a plea bargain entered into by the parties, the defendant was convicted and sentenced to serve a prison term of 5 months with an option of fine of N100,000 accordingly.

Upon completing the assignment as vacation Judge, his Lordship returned the case file to the Honourable Chief Judge, this case then assigned to this Court on the 1/6/2020 carrying the same charge for which the defendant has been convicted and sentenced. 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. Therefore the defendant cannot be charged again before this Court. Accordingly, this Court has no option but to dismiss the suit. Suit No. CR/127/19 is hereby dismissed.

Signed

Honourable Judge

Appearances:

Parties absent and not represented.