

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN AT JABI ABUJA

DATE: 17<sup>TH</sup> DAY OF NOVEMBER, 2020  
BEFORE: HON. JUSTICE M. A. NASIR  
COURT NO: 9  
SUIT NO: CR/131/2019

**BETWEEN:**

FEDERAL REPUBLIC OF NIGERIA ----- COMPLAINANT

**AND**

PHILIP FISAYO OPEILU (a.k.a TATIANA TUTS) ----- DEFENDANT

**RULING**

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

*“That you Philip Fisayo Opeilu (a.k.a. Tatiana Tuts) sometime in 2019 within the jurisdiction of this Honourable Court did fraudulently induce one Luis Morales, an American Citizen to deliver the sum of Two Thousand Dollars (\$2,000) to you which he*

*would not have done but for your deceit by posing as one Tatiana Tuts, an American woman using the email tatianatuts@gmail.com and you thereby committed an offence contrary to Section 320 and punishable under Section 322 of the Penal Code Cap 532 Laws of the Federation of Nigeira, 2004.”*

From the records of the Court the defendant was arraigned before my learned brother sitting as vacation Judge on the 23/12/2019 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. In the circumstance, suit No. CR/131/19 is hereby dismissed.

Signed  
Honourable Judge

Appearances:

Parties absent and not represented.