

**IN THE HIGH COURT OF JUSTICE OF THE F.C.T.**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT KUBWA, ABUJA**

**ON MONDAY, THE 19<sup>TH</sup> DAY OF JULY, 2021**

**BEFORE HIS LORDSHIP: HON. JUSTICE K. N.OGBONNAYA**

**JUDGE**

**SUIT NO.: FCT/HC/CR/28/21**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA**

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**CLAIMANT**

**AND**

**INNOCENT VICTORY DESTINY**

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**DEFENDANT**

## **BENCH JUDGMENT**

It is the law and has been upheld in all the strategic of our Court that once a person is arraigned before a Court and the charge is read out and he understood what was read to him and he takes a plea of GUILTY, that the Court will first convict the Defendant and after that the Court will sentence the Defendant of course after hearing any Allocutus from the Counsel to the Defendant.

Today, in this case, the Defendant – Innocent Victory Destiny was charged with one Count Charge of fraudulently inducing male clients on the internet and on

WECHAT falsely representing himself as Kim Webber and inducing them to part with his money.

That action is an offence and violets provision of the Penal Code – S. 322 of the said Penal Code.

The offence is for an imprisonment of a term which may extend for three (3) years with both three (3) years and a fine. The Defendant had pleaded Guilty to the same offence today and this Court will convict him accordingly

**The Court hereby convicts you, Innocent Victory Destiny, for the offence of Cheating having pleaded GUILTY to the said Count Charge today the 19<sup>th</sup> day of July, 2021.**

The Court having convicted him of the offence as stated

After Conviction comes Sentencing. The Court had a moment ago convicted the Defendant for the offence of cheating. The Court had listened and recorded the Allocutus made on behalf of the Defendant in which the Defendant Counsel referred to the Plea Bargain Agreement and pointed out that the Defendant is a first time offender and “had repented of his crime.”

Be it known to all and sundry that every convict was a former first offender. Nobody commits a crime from his mother’s womb.

The Convict is a young man but being young is not a license to be a criminal. So also being poor is not a license to commit crime.

In this era of Plea Bargaining, by the advent of the ACJA in 2015 (See SS. 270 – 278 ACJA 2015) the Court has

been enjoined to consider the terms which parties have set out in their Plea Bargaining.

Today, in this Charge, there is the Nominal Complainant – EFCC, because by what was stated in the Charge, the Defendant was attempting to collide and dupe the unsuspecting victims when he was nabbed by the Government Agency - EFCC.

The Court has been called upon to encourage non-custodial sentencing. This case calls for such non-custodial sentence more so with the Covid-19 pandemic.

This Court having listened to the parties will read out the Terms of Settlement which is the Plea Bargain Agreement entered into by the parties. Thus:

### **PLEA BARGAIN AGREEMENT**

The Defendant INNOCENT VICTORY DESTINY charged with the offence of attempt to cheat by impersonation has shown remorse for his actions. The Defendant having admitted the offence has agreed to enter a Plea of Guilty through this Agreement and the Prosecution accepts same as the full and final settlement of the issue in dispute between them.

**WHEREAS** the parties, by mutual consent, have agreed as follows:

1. That the Complainant shall file a one Count Charge of attempted cheating by impersonation.
2. That the Defendant has agreed to enter a plea of guilty to the Count.
3. That the Defendant has not benefited anything as at the time he was apprehended.

4. The Defendant has also from the inception of the investigation up to the filing of the charge in Court cooperated with the Operatives of the EFCC (the Nominal Complainant).
5. That there is no need to further dissipates the resources of the Federal Government of Nigeria in prosecuting the Defendant. That there is also the need to avoid wastage of the precious judicial machinery, cost, time and manpower.
6. And whereas the foregoing seeks to achieve the justice desired.
7. That the terms of this bargain shall form and constitute the Judgment of this Honourable Court.
8. No other charge shall arise against the Defendant in respect of this offence.

**IT IS FURTHER** agreed that:

Upon conviction, the Defendant shall pay an option of One Hundred Thousand Naira (₦100, 000.00) fine or be sentenced to a One (1) month imprisonment.

That the Defendant was cautioned before this Plea Bargain was drawn up and he consented to it.

Having read out the Terms of the Plea Bargain, this Court hereby sentence you, INNOCENT VICTORY DESTINY, to an non-custodial sentence of Sixty (60) days of Community Service with effect from tomorrow the 20<sup>th</sup> day of July, 2021. You shall report to the Prison Official from the Suleja Prison Correctional Facility immediately.

On daily basis, you shall sign in upon arrival and check out upon completion on a daily Community Service until the said Sixty (60) days is completed.

The Defendant is to wash the toilet at the Mpape Motor Park for the next Sixty (60) days.

**This is the Bench Judgment of this Court.**

**Delivered today the \_\_\_\_ day of \_\_\_\_\_ 2021 by me.**

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**K.N. OGBONNAYA**  
**HON. JUDGE**