

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

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT KUBWA, ABUJA**

**ON TUESDAY, THE 6<sup>TH</sup> DAY OF JULY, 2021**

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

**JUDGE**

**SUIT NO.: FCT/HC/CR/85/21**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA**

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**CLAIMANT**

**AND**

**RAPHAEL CHUKWUKA**

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}

**DEFENDANT**

## **BENCH JUDGMENT**

Since the Defendant had pleaded GUILTY to the offence this Court has no reason not to sentence him as required by the law and requested by the Prosecution Counsel.

It is imperative to state that the Defendant, Raphael Chukwuka was arraigned before this Court on a one (1) Count Charge of cheating job seekers in that he attempted to fraudulently induce job seekers with a promise of employment via two (2) email addresses – [Henry@vaynermedia.com](mailto:Henry@vaynermedia.com) and Hrvaynermedia.careers

making the unsuspected job seekers to part with their money in order to secure a job.

The said Raphael Chukwuka had falsely represented himself as Henry Olson as American citizen.

The said Raphael Chukwuka is charged with cheating which is an offence under S. 95 Penal Code and punishable under S. 322 of the same Penal Code.

Having pleaded GUILTY, this Court hereby convicts him – Raphael Chukwuka for the said offence of cheating.

It is at the discretion of the Court to sentence a Defendant after he has pleaded GUILTY to the offence he is charged with. The sentencing depends on the nature of the crime, whether there is Plea Bargain by the parties and whether the Defendant had actually felt remorse.

Yes, Allocutus is part of the right given to a Defendant. But it must be such that the Defendant Counsel should persuade the Court to really consider same in sentencing.

The Court had recorded the Allocutus of the Counsel to the convict stating that it is the societal pressure that made the convict to claim fraudulently that he is an American citizen by name Henry Olson and that he has jobs to give to the unsuspecting fellow Nigerians who are also obviously affected by the same societal pressure.

Yes the Defendant did not make any money in the crime before he was nabbed by the EFCC. But a crime is a crime. Yes he is a first offender, but all criminals started by being first offenders.

The Court is in receipt of the Plea Bargain entered into by the parties – Defendant and Prosecution. The Court will read same after that the Court will sentence the Defendant. See attached.

It is the law that anyone charged with cheating will be sentenced to a jail term of up to three (3) years.

In is this case, the parties had already entered into Plea Bargain, the Court having read out the Plea Bargain hereby sentences the convict Raphael Chukwuka to non-custodial sentence of Ninety (90) days of sweeping the market at Kuduru.

He shall report to the Prison on assumption of the duty. He should also sign the Register to be provided by the Prison staff in charge of Non-custodial Department at the end of each day. The Prison staff must countersign each day. He shall be free to go home after the Ninety (90) days of the said service.

The Defendant/Convict will start the Community Service from the 7<sup>th</sup> July, 2021 to 10<sup>th</sup> July, 2021 after that from the 1<sup>st</sup> day of August, 2021 till he finishes the non-custodial sentence of Ninety (90) days of sweeping the market at Kuduru.

**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**