

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY,
IN THE ABUJA JUDICIAL DIVISION,
HOLDEN AT COURT NO. 7 APO, ABUJA.
BEFORE HIS LORDSHIP: HON. JUSTICE O. A. MUSA.**

CHARGE NO: FCT/HC/BW/CR/42/2021

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA COMPLAINANT

AND

VICTOR UDAH DEFENDANT

JUDGMENT

DELIVERED ON 12TH OCTOBER, 2021

The defendant is charged with a one count charge as follows:-

That you Victor Udah sometime in 2021, at Abuja within the jurisdiction of this Honourable Court by deceiving while pretending to be one Bobby Derities and Maggiemogle a successful businessman cheated by inducing one Raya Ellsberry and William Huisentruit, an American Citizens using Wine profile, an online application making them believe you can secure a job placement for them in exchange for monetary consideration, where you wrongfully benefitted an aggregate sum of \$4,200:00 USD (Four Thousand, Two Hundred US Dollars) and you thereby committed an offence contrary to

Section 320 (b) and punishable under Section 322 of the Penal Code Act, Laws of the Federation (Abuja) 1990.

The case came up for hearing on 12th October, 2021, the charge was read to the defendant and he pleaded guilty to the one count charged.

In view of the plea of guilty by the defendant, the Prosecution counsel urged the court to sentence the defendant as charged in accordance to section 270 ACJA 2015 as agreed upon. The prosecutor Counsel further informed the court that the parties have filed a plea bargain agreement dated and filed on 14th July, 2021 both parties adopt same.

Whereas the Defendant, Victor Udah is presently standing trial before this Honourable Court in respect of the offences of cheating filed by the Complainant.

That the Defendant has agreed to forfeit the sum of N1,000,300.00 (One Million, Three Hundred Naira) being proceeds of his crime for the restitution of his victim, and also forfeit a Samsung Phone, a Silver colored HP Laptop used as instrumentalities of the Crime.

Also the Defendant has shown great remorse for his actions and forfeited the above listed items being proceeds of the crime which gave rise to the charge before this Honourable Court to

the Federal Government of Nigeria for restitution of their victims.

Counsel submits that the defendant by their letter dated 21st June, 2021 applied to the prosecution for a plea bargain and the prosecution has agreed to the request as stated herein.

That the defendant has also from the inception of the investigation up to the filing in court cooperated with the operatives of the EFCC (Nominal Complainant).

Counsel stated that there is also the need to avoid wastage of the precious judiciary machinery, time and manpower, and whereas the foregoing seeks to achieve the justice desired.

Finally, counsel submitted that the terms of this agreement shall form and constitute the judgment of this Honourable Court, and no further charge shall arise against the Defendant in respect of this offence.

The parties, by mutual consent adopt the terms of plea bargain and same shall be the judgment of this court.

The defendant having pleaded guilty to the one count charge brought by the EFCC against him, he is hereby convicted as charged.

Very well, in sentencing of the defendant, even though I adopt the plea bargain agreed upon by the parties. it's also at the

discretion of the court to pass sentence in the manner Provided by the Act.

In that respect, the defendant is hereby sentence to 3 months imprisonment with an option of payment of fine of N70, 000.00 in lieu of imprisonment.

All the proceeds of the crime shall be forfeited to the Federal Government of Nigeria. I so ordered.

APPEARANCE:

Aliyu Bokani Usman, Esq. for the Prosecution

Stanly Maduabuchi, Esq. for the Defendant.

Sign
Hon. Judge
12/10/2021