

**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: CR/560/2021

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA --- COMPLAINANT

AND

ABUBAKAR ADAMU --- DEFENDANT

JUDGMENT

DELIVERED ON THE 2nd FEBRUARY, 2022

The defendant was charged with the following:-

That you **ABUBAKAR ADAMU** sometime in 2021 in Abuja within the Jurisdiction of this Honourable Court; fraudulently impersonated yourself Via the internet as **TIFFANY TYLER**, who resides in Virginia Beach, Virginia with Email addresses [lihunkon225@gmail.com]; [anthony233mrk@gmail.com]; [finishline8840@gmail.com]; [kattybrant@gmail.com];] and obtained the sum of \$40 (Forty US Dollars) thereby committed an offence country to section 321 of the Penal Code Act, CAP 532 Laws of the Federation of Nigeria (Abuja), 1990 and punishable under section 324 of the same Law.

The case came up for hearing on 02/02/2022 the charge was read to the defendant and the defendant pleaded guilty to the charge.

The prosecutor Counsel informed the court that the parties have filed a plea bargain agreement dated 25/11/2021 both parties adopt same.

Having carefully considered the plea of guilt by the defendant therefore it is trite that where a person pleads guilty of committing an offence, it would be unnecessary to embark on full blown trial, hence the issue of fairness or unfairness in regard to the hearing is of no moment.

Hearing is foreclosed, the next and last procedural steps is to admit any evidence tendered by the prosecution and proceed to convict and sentence the defendant appropriately. See the case of SAMUEL AYO OMOJU Vs. FEDERAL REPUBLIC OF NIGERIA (2008) 7 NWLR (Pt.1085) 138.

At this juncture by the defendant's plea of guilt he has relieved the court of rigorous, lengthy and time consuming trial and also earned him the possibility of him enjoying leniency and a less stringent penalty. See the case of BAALO Vs. F. R. N (SC) 373/2012 (2016) NGSC 16 (3 JUNE 2016).

At this end by the combined provision of section 270 (9-10(a) and 11 of ACJA I adopt the plea bargain agreement of the parties, the defendant is hereby convicted and sentence as follows:

1. That before the Conclusion of this agreement, the Defendant was informed:-
 - i. That he has the right to remain silent.
 - ii. Of the consequences of not remaining silent.
 - iii. That he is not obliged to make any confession that could be used in evidence against him.
2. That the Defendant shall plead guilty to the one count charge of cheating by personation contrary to Section 321 of the Penal Code Act Laws of the Federation(Abuja) dated 8th November, 2021 and filed on the 11th November, 2021 with charge number CR/560/2021 before this Honourable Court.
3. That the Defendant shall pay off \$40 (Forty US Dollars) as restitution.
4. That upon conviction, sentencing of the Defendant by this Honourable Court shall be either six months imprisonment or a fine of N300,000 (Three Hundred Thousand Naira).

5. That the Defendant through his counsel applied for a plea bargain (a copy of the said plea bargain application is annexed herein).
6. That the Defendant has voluntarily agreed to enter plea of guilty to a one count charge.
7. That the Defendant having shown remorse, voluntarily agrees to forfeit the entire proceeds of the crime which gave rise to the charge before this Honourable Court of the Federal Republic of Nigeria.
8. That the subject matter of the alleged offence is the sum of \$40 (Forty US Dollars) which the defendant received from defrauding his victims from the charge.
9. That there is no need to further dissipate the resources of the Federal Government of Nigeria in Prosecuting the case.
10. That there is no need to further dissipates the precious time and man power of this Honourable Court.
11. And whereas the foregoing seeks to achieve the desired Justice.
12. That terms of this bargain shall form and constitute the Judgment of this Honourable Court.
13. That no any other charge shall arise against the Defendant in respect of this offence(s).

The defendant has pleaded guilty to the one count charge he is hereby convicted as charged.

Having carefully listened to the plea of leniency made by the defence counsel, I am aware of the plea bargain entered and signed by both parties. However, the court is duly bound to convict bad characters although the convict is so remorseful and he is a kind man, I believe he has regretted his action.

In conclusion and in sentencing the convict, he is hereby sentenced to 5 months imprisonment to be served at correctional center Kuje, with option of payment of fine of N200,000.00 (Two Hundred Thousand Naira) in lieu of imprisonment.

All items received from the crime are hereby forfeited to the Federal Government of Nigeria.

This shall be the Judgment of this court. I so hold.

APPEARANCE

Y. Y. Tarfa Esq. For the prosecutor.

S. T. Sani Esq. for the defendant.

Sign

Hon. Judge

02/02/2022