

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

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

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

JUDGE

SUIT NO.: FCT/HC/CR/14/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA -----} PROSECUTION

AND

CHIBUIKE MARSHAL OMEMGBOJI
ALIAS (**SURAJO ASCENCIO**) -----} DEFENDANT

BENCH JUDGMENT

In this Suit, the Defendant, Chibuike Marshal Omemgboji Alias (Surajo Ascencio) was charged with a one (1) Count Charge for the offense of cheating which is contrary to the provision of S. 320 (a) and punishable under S. 322 of the Penal Code, Laws of the Federation of Nigeria.

Today, as it is presumably and statutorily recommended, the Prosecution Counsel has brought him before this Court to be arraigned so that he can take his plea. The Court had read the lone Count Charge

and he had pleaded GUILTY to the said offence. It is imperative to state the nature of the offence.

The Prosecution had alleged that the Defendant – Chibuike Marshal Omemgboji Alias Surajo Ascencio sometime in 2022 at Abuja within the jurisdiction of this Court created a Social Media Account in the Facebook, Instagram and the like, using these sites, he misrepresented himself as one Surajo Ascencio and by that name, he cheated one Sarah Vakunta aka Danne Gibbs who delivered the sum of Four Thousand Three Hundred and Twenty Eight Dollars (\$4, 328) to the said Chibuike Marshal Omemgboji. She did so because the Defendant had deceived her to believe that the said Defendant was in love with her. But luck ran out of the Defendant when the men and officers of the Economic and Financial Crimes Commission (EFCC) tracked and nabbed him. HE was arrested and he volunteered Statements which were all attached to this charge.

It is the law that where and upon arraignment, the Accused person taken plea of GUILTY, that the next thing is for the Court to convict the person for the offence charged. By that plea, there will be no more call of evidence.

Today, the Defendant in this Suit had pleaded GUILTY to the offence of cheating which is an offence under S. 320 punishable under S. 322.

The Defendant having pleaded guilty to the offence of cheating, this Court hereby CONVICTS him accordingly.

Once a person is convicted of an offence, the Court will give time to the Defendant through his Counsel if any, to do a sought of allocutus after which the Court will pronounce the Sentence.

The Defendant having been convicted of the said offence is now a convict.

The Court had allowed his Counsel to do an Allocutus and the Court will pronounce the Sentence. In the Allocutus the Counsel for the Convict stated thus:

He stated that Convict had no previous conviction before now within and outside Nigeria. That from this demurer he is repentant and remorseful not only because he was apprehended, he did so even before then through his wife and mother. That he revealed his true identity to the victim and had apologised and attempted to make restitution. He had started a new business. He had not just done the restitution. He had decided to forfeit the fruit of the crime to Federal Government. He is the Breadwinner of the family. He is currently serving with Pillar Rest as Legal Assistance. He is a father and breadwinner for the mother. We prayed Court to have mercy in sentencing the Defendant and give him the fairest pronouncement Community Service.

COURT SENTENCING

It is the right of a convict to plead for leniency but it is the duty of Court to ensure that justice is done. It is also no excuse for anyone to get involved into a crime just in

the name that he is a breadwinner. Crime is crime and should be punished accordingly.

In this case, the Convict has sent to the Prosecution one car – Honda Accord with Registration No. BWR 846 J4 and one I-Phone X which I believe are proceeds of the crime. The Defendant Counsel had as stated above asked for leniency in sentencing the Defendant who is a father and breadwinner as he claims.

Having gone through the Allocutus and everything in-between, this Court hereby Sentences the Convict – Chibuike Marshal Omemgboji Alias Surajo Ascensio to a Community Service to sweep the Church where he attends for the next One (1) Month. That is in lieu of serving a term in the Correctional Facility nearest to him.

This is the Bench Judgment of this Court.

Delivered today the ____ day of _____ 2022 by me.

K.N. OGBONNAYA
HON. JUDGE