

**IN THE HIGH COURT OF THE FEDERAL  
CAPITAL TERRITORY, ABUJA  
HOLDEN AT ABUJA**

**ON THURSDAY, 14<sup>TH</sup> DAY OF JULY, 2022**

**BEFORE HON. JUSTICE SYLVANUS C. ORIJI**

**SUIT NO. FCT/HC/M/231/2022**

**BETWEEN**

**OKENWA IFEYINWA HANNAH**

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**APPLICANT**

**AND**

- 1. FIRST BANK OF NIGERIA LTD.**
- 2. GUARANTY TRUST BANK PLC.**
- 3. CHIME IFUNANYA CYNTHIA**
- 4. AGU EGODI STELLA**



**RESPONDENTS**

**JUDGMENT**

The applicant commenced this suit on 14/1/2022 vide Originating Motion against the 1<sup>st</sup>& 2<sup>nd</sup> respondents. On 4/4/2022, the Court, after hearing the submission of the applicant's counsel [Remigius Ani Esq.] for the grant of the prayers sought in the Originating Motion, ordered the joinder of Chime Ifunanya Cynthia and Agu Egodi Stella as the 3<sup>rd</sup>& 4<sup>th</sup> respondents to the suit.

On 6/4/2022, the applicant filed her Amended Originating Motion wherein she sought the following reliefs:

1. An order of this Honourable Court authorizing and/or directing the 1<sup>st</sup> respondent to reverse and debit the sum of N3,529,000.00 [Three Million Five Hundred and Twenty-Nine Thousand Naira] from the First Bank Account No. 3120556079 belonging to the 3<sup>rd</sup> respondent namely Chime Ifunanya Cynthia and to credit the said sum to the applicant's Guaranty Trust Bank Account No. 2198256951590 being the total of the applicant's monies which a group of fraudsters or syndicate fraudulently induced the applicant to transfer into the said First Bank Account No. 3120556079 belonging to the 3<sup>rd</sup> respondent namely Chime Ifunanya Cynthia on 6<sup>th</sup> December, 2021.
2. An order of this Honourable Court authorizing and/or directing the 1<sup>st</sup> respondent to place the First Bank Account No. 3120556079 belonging to the said 3<sup>rd</sup> respondent namely Chime Ifunanya Cynthia on debit restriction to wit Post No Debit, and to continuously use all the cash inflows therein to credit the applicant's Guaranty Trust Bank Account No. 2198256951590 until the final reversal of the said sum of N3,529,000.00 [Three Million Five Hundred and Twenty-Nine Thousand Naira] which the said group of fraudsters or syndicate fraudulently induced and received from the applicant through the said First Bank Account No. 3120556079 belonging to the 3<sup>rd</sup> respondent namely Chime Ifunanya Cynthia.

3. An order of this Honourable Court authorizing and/or directing the 1<sup>st</sup> respondent to reverse and debit the sum of N2,050,000.00 [Two Million Five Thousand Naira] from the First Bank Account No. 3154105366 belonging to the 4<sup>th</sup> respondent namely AguEgodi Stella and to credit the said sum to the applicant's Guaranty Trust Bank Account No. 2198256951590 being the total of the applicant's monies which the said group of fraudsters or syndicate also fraudulently induced the applicant to transfer into the said First Bank Account No. 3154105366 belonging to the 4<sup>th</sup> respondent namely AguEgodi Stella on 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> December, 2021.
4. An order of this Honourable Court authorizing and/or directing the 1<sup>st</sup> respondent to place the First Bank Account No. 3154105366 belonging to the said 4<sup>th</sup> respondent namely AguEgodi Stella on debit restriction to wit Post No Debit, and to continuously use all the cash inflows therein to credit the applicant's Guaranty Trust Bank Account No. 2198256951590 until the final reversal of the said sum of N2,050,000.00 [Two Million Five Thousand Naira] which the said group of fraudsters or syndicate fraudulently induced and received from the applicant through the said First Bank Account No. 3154105366 belonging to the said 4<sup>th</sup> respondent namely AguEgodi Stella.
5. And for such further order[s] as this Honourable Court may deem fit to make in the circumstances of this case.

In support of the Originating Motion is the applicant's 39-paragraph affidavit; attached therewith are Exhibits 1, 2 & 3. Ani Jacqueline Esq. filed a written address. The records in the case file show that the processes were served on the respondents. None of the respondents filed any process or attended Court. On 4/7/2022, the applicant's counsel adopted the applicant's processes.

In the applicant's affidavit in support of the Originating Motion, she deposed to the following facts:

1. Sometime in November 2021, she met one Nnaemeka Daniel Okoye on Facebook social media platform. He introduced himself to her on Facebook claiming to be an indigene of Anambra State like herself. He also claimed to be based in the United States of America. They became Facebook friends and were chatting and calling each other from time to time.
2. After a while, Nnaemeka Daniel Okoye via phone introduced her to his alleged mother whose name was said to be Mrs. Grace Okoye who is said to be living in Kaduna with Nnaemeka Daniel Okoye's little daughter named Chimamanda Okoye since, according to him, his wife is late.
3. After the introduction, the supposed phone number of his alleged mother i.e. 07043591990 was given to her through which she spoke with his mother from time to time.

4. On 5/12/2021, Nnaemeka Daniel Okoye chatted and also called her. He informed her that he had tried to reach his mother on phone but due to network challenges, he could not. He requested that if she is able to get his mother on phone, she should tell her to go to the bank on Monday [6/12/2021] to withdraw the money he sent to her through Western Union Money Transfer.
5. On 6/12/2021, she got his mother on phone around 7a.m. and delivered the message to her as instructed by Nnaemeka Daniel Okoye.
6. About 8a.m. the same day, his mother's phone called her. When she picked the call, the background was noisy and sounded like an accident scene with emergency siren blaring on the background. A man's voice spoke to her that this woman was just shot by armed bandit and that her driver was not lucky as he died on the spot. The man said they were rushing her to the hospital and that she should call back in 15 minutes.
7. When she called in 15 minutes, an alleged Dr. Philip picked the call and repeated what the first caller said. He stated the name of the hospital as Garden Specialist Hospital Kaduna. Dr. Philip told her [applicant] that they were taking her into the theatre for surgery and that they needed money to purchase surgery items and deposit for her treatment.
8. She tried to call Nnaemeka Daniel Okoye on his phone number which is +1[562]5345548 but his line was not going through. There was

pressure from the so-called Dr. Philip about the woman losing so much blood and he sent to her on WhatsApp a gory video of the woman's leg hit by the bullets which was turn wide open.

9. At that point, the said Dr. Philip called her on the woman's phone and she could hear the supposed little Chimamanda on the backgroundcrying, wailingand calling the doctors and the nurses for help and not to allow her grandmother to die. It was then that she told them to send the hospital's account number.
- 10.She narrated how Dr. Philip gave her the account details of one of their staff i.e. First Bank Account No. 3120556079 belonging to Chime Ifunanya Cynthia [the 3<sup>rd</sup> respondent]. Dr. Philip explained to her that paying the money into the hospital's account will be cumbersome because of the immediate need for cash to purchase the surgery itemswhich, if delayed by the bottleneck of processing the payment into the hospital's account,will be more injurious to the woman's chances of survival.
- 11.She transferred the sum of N374,000 on 6/12/2021 as requested by Dr. Philip. Subsequently, Dr. Philip called her severally demanding more monies to be paid into the said account. On that day, she transferred a total of N3,529,000into the said First Bank account of the 3<sup>rd</sup>respondent.
- 12.Later that day, Nnaemeka Daniel Okoye returned her call. When she told him about the accident and the moneyshe had transferred to save

his mother's life, he purportedly broke down in tears and promised to refund all the monies.

13. On 7/12/2021, Nnaemeka Daniel Okoye called her and told her that since he was not in Nigeria, she should take all the necessary steps to ensure that the medical treatment of his mother was not stalled on account of money as he had sent to her the sum of \$28,000 [USD] which is the equivalent of N11,479,720 through Citibank Telegraphic Wire Transfer to cover all the monies she transferred and also to have some money available in case other exigencies arise in the course of her treatment.

14. On the same date [7/12/2021] around 9.15 p.m., Nnaemeka Daniel Okoye sent to her through WhatsApp message a copy of the Citibank Telegraphic Wire Transfer Slip bearing the said sum of \$28,000 [USD] which was meant to clear on 9/12/2021. A copy of the Telegraphic Wire Transfer Slip is Exhibit 1.

15. On the same 7/12/2021, Dr. Philip called her and informed her that the woman's condition was getting worse and that she needed to be transferred to their referral hospital in Ghana for higher medical attention on the bullet wound. He said they needed more money to effect the transfer and also to cater for her follow-up expenditures there.

16. Dr. Philip sent another First Bank Account No. 3154105366 belonging to Agu Egodi Stella [the 4<sup>th</sup> respondent] and told her that she was the staff of Garden Specialist Hospital Kaduna scheduled to accompany

the woman to the hospital in Ghana. Dr. Philip requested that she should transfer at least N1,000,000 to the account for them to start making the arrangements of the referral to Ghana, which she did on the same day at about 1.51p.m.

17. On 8/12/2021, Dr. Philip called her and informed her that they could not contact Nnaemeka Daniel Okoye as his line was not going through. He told her that the sum of N1,000,000 she had transferred would not be enough and that she should transfer additional N1,050,000. That same day, at about 11.23a.m. and 4.07 p.m., she transferred N1,000,000 in two transactions of N500,000 each into the said 4<sup>th</sup> respondent's First Bank account.

18. On 9/12/2021 around 9.45a.m., she transferred the remaining N50,000 into the same First Bank Account of the 4<sup>th</sup> respondent making a total of N2,050,000 which she transferred into the said account.

19. Nnaemeka Daniel Okoye later called her and thanked her for all the efforts she had made to save his mother's life and further promised that every dime she spent would be repaid. He promised to send more money in case the said N11,479,720 was not enough.

20. At about 2 p.m. on 9/12/2021, she went to her bank i.e. the 2<sup>nd</sup> respondent to claim the said money sent to her. She was told that no such money or transaction was received from Nnaemeka Daniel Okoye. She was asked to come back on another date in case the transaction had not been routed.



21. On 16/12/2021, she went back to the 2<sup>nd</sup> respondent to find out whether the money had been received. She was told that no such money was ever sent to her. It was then it dawned on her that she had been scammed.
22. She tried to reach Nnaemeka Daniel Okoye and Dr. Philip but she could not reach any of them as their phone numbers were switched off. She obtained a paper from the customer service of the 2<sup>nd</sup> respondent and wrote a letter of complaint of fraudulent transactions. She requested their assistance to help her return all her monies which she transferred into the said two First Bank accounts; a copy of the letter of complaint dated 16/12/2021 is Exhibit 2.
23. The total of the monies she transferred into the said two First Bank accounts is N5,579,000. A copy of her GT Bank statement of account from 6/12/2021 to 9/12/2021 showing the said transfers is Exhibit 3.
24. The officials of the 2<sup>nd</sup> respondent advised her to also complain to First Bank of Nigeria Ltd. [the 1<sup>st</sup> respondent] where the two said accounts are domiciled, and also get a court order for the reversal of the said transactions and debit the said two accounts accordingly, hence this application.
25. She also reported the matter to some officials of the Department of State Security Service who are still trailing and tracking the syndicate including the said two First Bank Account holders but yet to succeed.

26. She has not been able to reach Nnaemeka Daniel Okoye, his mother and Dr. Philip as all their phone numbers had been switched off.

Learned counsel for the applicant posited that the issue of inducement of unsuspecting Nigerians by fraudsters to transfer their hard-earned monies into fraudulent accounts is a matter that is rampant in our society today. The case of **Mr. Audu Otukpo v. Apa John & Anor. [2013] All FWLR [Pt. 661] 1509** was cited for the meaning of fraud. Where a person, such as the applicant, unfortunately falls into the hands of fraudsters and got swindled of his or her money or property, the law has made provision for reparation to such a person, hence the law of restitution. Counsel referred to **Central Bank of Nigeria v. Beckiti Construction Ltd. [2011] 5 NWLR [Pt. 1240] 203** to support the view that the term *restitutio in integrum* denotes restoration to the previous condition or *status quo*.

Ani Jacqueline Esq. submitted that there should be reparation or restitution where a person is a victim of fraud. The Court was urged to grant the prayers sought; noting that the discretion of the Court ought to be exercised judicially and judiciously based on the facts before it.

As I said earlier, the respondents did not file any process. The effect is that the affidavit evidence of the applicant in support of the suit is unchallenged and the Court is entitled to accept it as true and act on it. See **Odiwe v. Nwajei [2000] 4 NWLR [Pt. 651] 86**. The facts narrated by the applicant are very clear. The facts support the exercise of the Court's discretion in her favour for the recovery of the monies paid to the accounts of the 3<sup>rd</sup> & 4<sup>th</sup>

respondents based on the fraudulent representations made to her by Nnaemeka Daniel Okoye [her Facebook friend], his so-called mother [Mrs. Grace Okoye] and the so-called Dr. Philip.

In conclusion and without much ado, the applicant's suit has merit. Reliefs 1, 2, 3 and 4 in the Originating Motion are granted as prayed.

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HON. JUSTICE S. C. ORIJI  
[JUDGE]

*Appearance of Counsel:*

Remigius Ani Esq. for the applicant.