

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA AS (VACATION COURT) ABUJA

CLERK: CHARITY ONUZULIKE
COURT NO. 10

SUIT NO: FCT/HC/CR/307/2022
DATE: 2/8/22

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

SAMSON EJIMIYERAKPOR (aka David Wilson 'M' 19 Yrs).....DEFENDANT

JUDGMENT
(DELIVERED BY HON. JUSTICE S. B. BELGORE)

Defendant is in Court and speaks English

O. O. Adeola with S. M. Dabak for Prosecution

E. O. Clement for the Defendant

Prosecution: It is for arraignment

Court: Please proceed

CHARGE

Court: The one count charge is explained fully to the Defendant in English language.

Court: Do you understand?

Defendant: Yes, I do.

Court: Are you guilty or not guilty?

Defendant: Guilty.

Court: The Defendant having pleaded guilty to the charge as read out to him is convicted of the offence of cheating accordingly.

Prosecution: We have filed a plea bargain agreement and it was executed by the Defendant, the Prosecution and the Investigating Officer. I urge the Court to sentence the Defendant in line with the plea bargain agreement.

Defendant's Counsel: I urge the Court to temper justice with mercy. **Section 324 of the Penal Code** provides for option of fine. **Section 270 (ii) of ACJA** also clothes the Court with discretion. The Defendant is remorseful and also restituted the various items which he purchased with the proceeds of crime. He has returned the sum of N3 million. He is a first time offender, young man, helped with vital information that has aided the apprehension of another defendant. I urge the Court to exercise its discretion in the Defendant's favour.

Sentence: I have listened and considered the plea of the Defendant's Counsel in mitigating of sentence. I have equally considered the plea bargain as agreed to by all the parties in this case and submitted for consideration.

Of utmost importance for me is the fact that this convict is a 1st time offender, pleaded guilty thereby not wasting the time of this Court; appears to me to be remorseful and probably full of regrets; and the offence for which he has just be convicted admit of option of fine and finally, the properties which form the kernel of the charge has been recovered and made returnable to the Federal Government as per the content of the plea agreement.

It is for all the above reasons that I sentence this convict to a fine of **N300,000.00 (Three Hundred Thousand Naira)** only or one year imprisonment in default of payment of fine.

I impose the above sentence pursuant to **Section 324 Penal Code and Section 270 of Administration of Criminal Justice Act, 2015.**

That is the Judgment of this court.

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Suleiman Belgore
(Judge) 2/8/22