

**IN THE HIGH COURT OF LAGOS STATE**  
**HOLDEN AT THE IKEJA JUDICIAL DIVISION**  
**SITTING AT COURT NO. 13, SPECIAL OFFENCES COURT,**  
**BEFORE THE HON. JUSTICE M.A. DADA (MRS.) - JUDGE**  
**THURSDAY THE 19<sup>TH</sup> DAY OF APRIL, 2018.**

ID/6245C/17

**BETWEEN**

FEDERAL REPUBLIC OF NIGERIA ... COMPLAINANT/RESPONDENT

**AND**

OLUWASEUN MICHEAL ... DEFENDANT/APPLICANT

*Certified True Copy*

**JUDGMENT**

The Defendant herein was charged with one count on an Amended Information dated 17<sup>th</sup> April, 2018 for the offence of Possession of a document containing false pretence contrary to **Section 320** of the **Criminal Law of Lagos State, no. 11, 2015**. The Defendant pleaded guilty to this one count charge pursuant to a Plea Bargain Agreement dated 17<sup>th</sup> April, 2018.

The Prosecution by a Review of facts of same date states that it received a petition on 17<sup>th</sup> August, 2017 that there were some "Internet Fraudsters" at different apartments located at No. 9, Ifeanyi Anyachukwu Street, off Chijioke Akwukwuma Street, Bakare Estate/Chevy View Estate, Chevron, Lekki, Lagos who were suspectedly living far beyond their means of livelihood. That, the case was assigned to Team C, Cyber Crime Section of the Commission for Investigation. On 30<sup>th</sup> September, 2017, the Defendant herein was arrested by the operatives of Economic And Financial Crime.

During the arrest, several items were confiscated one of which is a Packard Bell with Model N15w4 belonging to the Defendant. The Laptop was analysed and scam documents which the Defendant duly acknowledged ownership were printed from it.

During the interview, defendant admitted to be the owner of the said Laptop. He also confessed that one of his E-mail accounts is kaithbrian@gmail.com and the password, olayemi2. On 30<sup>th</sup> September, 2017, in the presence of the defendant, several documents containing false pretence were printed from the said E-mail through laser printer (HP LaserJet Professional P1102w) attached to the Cybercrime Laboratory of the Commission.



Among the said documents was an E-mail conversation dated 30<sup>th</sup> September, 2017 wherein the Defendant represented himself to one Akash Mahajan as Brian Kaith, a white man who deals in different kinds of iPhone.

The Defendant was interviewed on these and other documents. He responded in writing. He volunteered a statement after words of caution was administered to him by the operatives of the Commission. He admitted the documents to have contained false pretence and that he has used them in his fraudulent activities. This was contained in his confessional statement of 30<sup>th</sup> September, 2017.

The Defendant was initially charged on a 3 count information dated 25/10/2017 for the offence of possession of Document containing False Pretence contrary to **Section 6, 8(b) & 1(3) of the Advance Fee Fraud and other Fraud Related Offences Act, 2006** before this Court. However, the Defendant, by a letter dated 4<sup>th</sup> April, 2018 approached the Prosecution for a Plea Bargain Negotiation which thus necessitated the Amendment of the Information and a Plea Bargain Agreement.

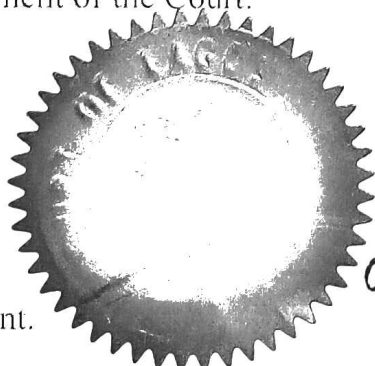
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The prosecution tendered from the Bar the said Petition dated 1/8/2017, the Defendant's 3 Extra - Judicial Statements dated 30/09/2017, 05/10/17 and 11/10/17 with a confessional Statement Admission Form dated 12/10/17 and 5 documents printed from his E-mail with the Prosecution's certificate of identification dated 18/10/17. These are marked **Exhibits 1-11 respectively**.

The Defendant, having therefore pleaded guilty to the one count Amended Information dated 17/04/18, is hereby convicted as charged.

The agreement that the term of one year imprisonment be imposed as the sentence of this Court to take effect concurrently from the 13<sup>th</sup> day of December 2017 being the date the Defendant was first arraigned and remanded in prison custody is accordingly adopted as the sentence of this Court.

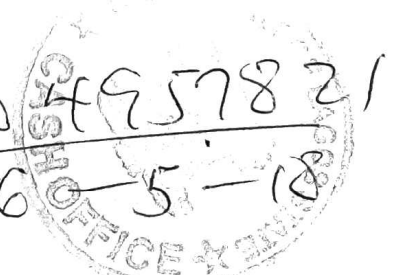
This is the Judgment of the Court.



*Mrs. M. A. Dada*  
HON. JUSTICE M. A. DADA (MRS.)  
JUDGE  
(19/04/18)

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*Akinwande O. P.*  
Akinwande O. P.  
Commissioner For Oaths  
For the Court of Justice, Ikeja



Defendant Present.

A.A. Adebayo for the Prosecution.

Osahon Ukponahusi with M.K.O. Audu for the Defendant.

*GA*

*Osahon Ukponahusi*

*M.K.O. Audu*

*A.A. Adebayo*