

IN THE HIGH COURT OF ENUGU STATE OF NIGERIA
IN THE ENUGU JUDICIAL DIVISION
HOLDEN AT ENUGU

BEFORE HIS LORDSHIP HON JUSTICE K.I OKPE-JUDGE
ON FRIDAY THE 8TH DAY OF FEBRUARY, 2019.

Suit No. E/6^C/2019

F.R.N.

Complainant

AND

Ifenna Ibekwe

Defendant

JUDGMENT

Parties: The accused person is in court.

Appearance: I.I. Mbachie for the prosecution.

T.U. Nweke for the defendant.

Mbachie: The case is for plea but we have an amended charge and it is our prayer to substitute the earlier charge dated 4/1/2019 and filed on 1/2/2019 with the amended copy dated 7/2/2019 and filed on 8/2/2019. We will pray the court to call on the defendant to take his plea on the amended charge but before he does that may we draw the attention of the court to the fact that the defendant approached us and we have a plea bargain agreement. We filed an earlier plea bargain dated 5/2/2019 and filed on 7/2/2019. We wish to withdraw it and in its place we rely on the one filed on 8/2/2019.

Nweke: No objection.

Court: The charge against the defendant dated 31/1/2019 and filed on 1/2/2019 and the plea bargain agreement dated 5/2/2019 and filed on 7/2/2019 are hereby struck out same having been substituted.

Mbachie: May I pray that the plea of the defendant be taken as I presume that our application for abridgment of time has been granted since the case was fixed for today.

Court: Take his plea.

Registrar: The Registrar reads the charge to the accused person Ifenna Ibekwe and he seem perfectly to understand it and he pleaded thus:

Ifenna Ibekwe: I am guilty.

Mabachie: In view of the plea of guilty entered by the defendant may I humbly apply to review our case by calling our witness.

PW1: PW1 sworn to the Bible and elects to speak in English language.

The Registrar Regina Offor announced all other witness to go out of court and out of hearing.

Mbachie: Tell the court your name.

PW1: My names are Benjamin Nuhu, Asst. Detective Inspector of the Economic and Financial Crime Commission attached to Cyber Crime Section in the Enugu Zonal Office.

Q: What are your specific duty.

PW1: My specific duties are but not limited to arrest, statement taking, search and seizure and testifying in court.

Q: Do you know the defendant.

A: Yes my Lord I know him.

Q: Why are you here to testify.

A: On 7/1/2019 based on an intelligence gathering, the accused was arrested alongside a syndicate. After his arrest his statement was taken under caution. In his statement, he made a confessional statement stating that he and the other syndicate members conspired induced and obtained by trick from one Alina Rossa. That after obtaining from the victim the accused share of the proceed was received by one Obinna Udoji through his Diamond Bank Account and the said money was transferred to Alafune Ifeanyi which it was cashed and handed over to the accused. The amount is N100,000.00. In our investigation we were able to communicate with the Alena Rossa and she reported by giving us evidence of payment to the syndicate of the accused after which the following documents are to be tendered in support of the charge.

Mbachie: What is the name of this company used by the accused.

A: They use Zenith Margin. The following documents are available for tendering.

1. Intelligence gathering that led to the arrest of the accused.
2. Statement of the accused.
3. Account statement of Obinna Udoji indicating by circle where the N100,000.00 was transferred to Alefuna Ifeanyi.
4. Scanned mails and
5. The mails that was sent to the victim Alina Rossa and her response. I used HP Laptop to produce the mails. The condition of the HP Laptop was good at the time the documents were produced and the soft copies and the hard copies were compared and the accused persons certified the mails.

Mbachie: If you see the documents can you identify them.

A: Yes.

Q: Have a look at these.

A: My Lord these are the documents.

Q: Is there a plea bargain agreement.

A: Yes and this is it.

Mbachie: I seek to tender these documents as exhibit.

Nweke: No objection.

Court: Intelligence Report dated 14/1/2019, statement of Ifeoma Ibekwe to EFCC dated 17/1/2019; statement of Account of Udoji Obinna Alphonsus; Bundle of mails sent to the victim Alina Rossa and her responses and the plea bargain agreement are hereby admitted in evidence and marked exhibits A to E respectively.

Mbachie: This is the case of the prosecution.

Court: Cross-Examination.

Nweke: None.

Court: Ask the Accused whether he heard the evidence given against him.

Ifenna Ibekwe: I heard the evidence just given against me and I stand by it. I still stand by my plea of guilty.

Mbachie: In view of the case of the prosecution we humbly plead with the court to convict the defendant in accordance with S. 367 (8) (9) and 10 of the Administration of Criminal Justice law of Enugu state 2017. May the court be pleased.

Nweke: No objection.

Court: In view of the plea of guilty made by the accused person and his standing by his plea of guilty after the review of the case against him, I hereby convict the accused person as charged.

Allocutus:

Nweke: May I plead with my lordship to temper justice with mercy. The accused person is a first offender. He has equally restituted the said N100,000.00 into the coffers of the Federal Republic of Nig. Also, he is an orphan and a student of Anambra State University Igbariam and the Industrial strike of ASUU was called off yesterday meaning that schools will soon be opened. I equally want to implore my lord that the prison term to commence from 7/1/2019 as the defendant has spent virtually one month at the custody of EFCC.

May it please my lord.

Court: Why was the accused person not considered for bail;

Mbachie: We got a remand order from the magistrate when he could not perfect his bail.

Court: What of the money shared to the other members of the syndicate.

Mbachie: The entire money was recovered and we are getting in touch with the white woman to get an attorney for payment. The other members of the syndicates have been charged to court one before your brother. Onovo J. and the other before your brother Justice Nwobodo A.A.

Court: I must commend the prosecution in its effort to ensure that the entire money fraudulently obtained from the said Alina Rossa a British citizen is recovered. I also have no objection to their accepting a plea bargain arrangement with the accused person. This court is however not comfortable with a plea bargain with the entire sentence term made retrospective. I have noted this point

before and I will repeat it again, our courts should not be reduced to mere rubber stamps of a concluded sentence. If the accused person has by your plea bargain agreement served out his sentence, any sentence strictly in line with the plea bargain terms will be mere caricature and could make this court a laughing stock particularly in a case involving foreign nationals. I will accept the one month sentence agreed to by the parties but with today as the effective date.

Accordingly, the accused person is hereby sentenced to one month imprisonment with effect from today. In view of the fact that the accused has refunded his share of the sum of money fraudulently obtained and the plea for mercy as a first offender I shall give him option of fine of N20,000.00.

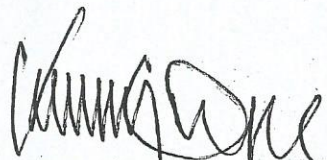
Nweke: Very grateful my lord.

Mbachie: Thank you so much my lord.

Counsel Appearances:

I.I. Mbachie Esq. for the Prosecution

T.U. Nweke Esq. for the defendant


HON. JUSTICE K.I. OKPE (MC Arb. UK)
JUDGE
08/02/2019

Certified 350

2/10/19