

IN THE HIGH COURT OF JUSTICE
OYO STATE OF NIGERIA
IN THE IBADAN JUDICIAL DIVISION
HOLDEN AT IBADAN

BEFORE THE HONOURABLE JUSTICE M.O. ISHOLA - JUDGE
THIS MONDAY, THE 13TH DAY OF DECEMBER, 2010

BETWEEN:

SUIT NO. I/EFCC/2010

FEDERAL REPUBLIC OF NIGERIA

COMPLAINANT

AND

RAHAMMAN JAMIU ADENIYI
(A.K.A. OYEYEMI GBOLAGADE)

ACCUSED

APPEARANCE:

Accused person is present.

C.O. Ugwu Esq., for the Prosecution.

P.O. Alamu for the accused person.

JUDGEMENT

By an amended information dated 7th December, 2010 but filed on 8th December, 2010 the accused person is charged with the offence of obtaining goods by false pretence contrary to Section 419 of the Criminal Code Cap 38, Laws of Oyo State of Nigeria, 2000. The accused person pleaded guilty to the offence as charged.

Mr. Ugwu learned counsel for the prosecution gave the detailed facts of the prosecution's case against the accused person and tendered seven exhibits marked Exhibits P1 to P7. In a nutshell, the case of the prosecution against the accused person is that sometime in December, 2007 the accused person who adopted the name of Oyeyemi Gbolagade through the internet, fraudulently obtained an Acer laptop (Acer note book) from one Miss Nattakarn Siriwech, a Thai National. The accused person refused to pay for the laptop. It was the failure of the accused to pay for the laptop that made Miss Siriwech to lodge a complaint with Royal Thai Embassy in Nigeria and who in turn reported the

matter to E.F.C.C. The accused person confessed to the commission of the crime in his confessional statement which was received in evidence at Exhibit P4. However, it worthy to note that due to the intervention of the E.F.C.C., the accused person has refunded the purchase price of the laptop computer. The accused person refunded the sum of \$1,700.00 (One Thousand, Seven Hundred United States Dollars) to Miss Nattakarn Siriwech.

The position of the law is settled that the court can convict an accused person solely on his confessional statement. See Section 27 of the Evidence Act Cap. 112 Laws of the Federation of Nigeria, 1990. See also IKEMSON. VS. THE STATE (1989) 3 NWLR (Pt. 110) 455. Accordingly, in view of the confessional statement in Exhibit P4 which is direct, positive and unequivocal, I am of the considered view that the prosecution has proved its case against the accused person beyond reasonable doubt and I so hold. I hereby find the accused person guilty of the offence of obtaining goods by false pretence contrary to Section 419 of the Criminal Code Cap. 38, Laws of Oyo State of Nigeria, 2000 and he is accordingly convicted as charged. In passing sentence on the accused person, I have given serious consideration to the allocutus of the learned counsel for the accused person. However, I wish to note that the unsalutary comments of other nations and Stigmatisation of Nigeria and its citizens as rogues and fraudsters is due to the activities of few misguided youths like the accused person who perpetrate internet fraud and scams. The damage they have done to the image of this country and her citizens through their nefarious activities is incalculable. It is quite remarkable to note that the intervention of the E.F.C.C operatives in this case which led to the refund of One Thousand Seven Hundred United States Dollars to the victim of the scam or crime will have given succour to the victim of the scam. However, it must be said that many other crimes of this nature are perpetrated on daily basis but are not detected or the perpetrators have simply vanished into the thin air. It is particularly painful and regrettable that the likes of the accused person instead of channelling their talent and

dexterity in the use of the internet towards a more rewarding venture, have decided to use it as a tool to commit crime. This court has a duty to ensure that adequate punishment is given to the likes of the accused person so as to serve as a deterrent to others who might be similarly criminally minded. Accordingly, the accused person is hereby sentenced to six months imprisonment with hard labour. The period the accused person had spent in prison custody shall be taken into account in the computation of the sentence of the accused person.

That shall be the judgment of this court.



M.O. ISHOLA
JUDGE
13/12/2010