

IN THE HIGH COURT OF FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT VACATION COURT 2, NYANYA, ABUJA

**SUIT NO. FCT/HC/CR/436/19**

**BEFORE HIS LORDSHIP:**

**HON. JUSTICE MUAWIYAH BABA IDRIS**

**BETWEEN**

**FEDERAL REPUBLIC OF NIGERIA**

**COMPLAINANT**

**AND**

**TUNDE AZEEZ ADEYEMI**

**DEFENDANT**

25/07/2019

Defendant in court. He understands English language.

Fatima M. Mustapha Esq. for the prosecution.

**RULING ON SENTENCE**

The convict, pursuant to plea bargain agreement made on 24/6/19 the plea of guilty to the one count charge, was convicted on 22/7/19.

The prosecution counsel urged the court to sentence the convict in accordance with the plea bargain agreement.

The convicted did not succeed in defrauding his victim.

The counsel pleaded guilty to one count charge punishable under S.322 penal code. S.322 provides:

“Whoever cheats shall be punished with imprisonment for a term which may extend to three years or with fine or with both.”

In the case of ZACHEOUS VS. PEOPLES OF LAGOS STATE (2015) LPELR-24531 (CA) it was held that in sentencing a convict “the Judge is bound to consider factors, such as the seriousness or other wise of the offence, the prevalence of the offence, whether the convict is a first time offender, and prevailing attitude of the populace to the offence.”

Learned counsel for the convict urge the court to temper justice with mercy.

I have read the plea bargain agreement. Let me say that it is not inconsistent in the court to adopt the agreement in Toto.

Courts have a duty to enforce the provisions of the Act under which an accused is charged.

It is not in doubt that cyber crimes dent the image and affect the integrity of our dear country and I must say that the appropriate law/act to charge the convict is the cyber crimes (protection and prohibition ) Act that has laudable provisions aimed at redeeming the image and integrity of this nation. It has harsh and appropriate punishment that can deter young persons from engaging in cybercrimes. **My Lord Hon. Justice Hannatu Jummai Sankey JCA** made a striking comment in the case of JUBRIL VS. F.R.N (2018) LPELR-43993 (CA).

“It must be disheartening to all right thinking Nigerian that the rampant, atrocious and egocentric crime has unleashed dire consequences on the integrity and image of the country. This has both short and long term effects on the society and the nation as a whole. Therefore although the punishment prescribed by law..... may be appear harsh and draconian, it is hoped that it will deter like-minded persons from embarking on such criminal ventures.”

Cybercrimes are flourishing amongst our youth to the extent that even secondary school students engage in it.

It is most appropriate that our prosecution agencies arraign accused persons under the provisions of the right law, before the court that has jurisdictional competence to try the case. I say no more.

S.270 (II) (C) ACJA gives the court the power to imposed a heavier punishment other than the one agreed by the parties and I intend to go by that provision.

Consequently, the convict is hereby sentenced to a terms of 3 years imprisonment on the one count charge.



HON. JUSTICE MUAWIYAH BABA IDRIS

*Presiding Judge*

25/7/19

Appearances:

Fatima M. Mustapha Esq. for the Prosecution.

Adeji Abel Esq. for the Defendant