

IN THE HIGH COURT OF LAGOS STATE  
HOLDEN AT IKEJA JUDICIAL DIVISION  
SITTING AT COURT 19 SPECIAL OFFENCES COURT IKEJA  
BEFORE HON. JUSTICE O.A. TAIWO (MRS.) JUDGE  
TODAY WEDNESDAY THE 12<sup>TH</sup> DAY OF FEBRUARY, 2020  
SUIT NO: ID/9585<sup>C</sup>/19

**BETWEEN**

**FEDERAL REPUBLIC OF NIGERIA**

**...COMPLAINANT**

**AND**

**ISELEMA TAMUNOIMINABO**

**...DEFENDANT**

**JUDGMENT**

The Defendant was brought before this honorable court on a two (2) counts charge of Stealing contrary to Section 287(1) and 287 (7) of the Criminal Law of Lagos State 2015.

The Defendant is alleged to have with a dishonest intent converted to his own use the sum of N33, 478,000.00, property of Sterling Bank Plc. He is also alleged to have with dishonest intent converted to his use the sum of N1, 500, 000.00 property of Sterling Bank Plc.

The Defendant was arraigned today being 12<sup>th</sup> of February, 2020 and pleaded guilty to the two counts charge.

The Prosecution I.A. Mohammed, thereafter presented a review of facts of the case before the honorable court as follows:

That the EFCC received a petition from Sterling Bank dated 19/3/19 for fraudulent withdrawals and transfers by the Defendant. That the petition was analyzed and found worthy of investigation. He stated that the investigation revealed that the Defendant while being a staff of the bank carried out several fraudulent transaction between June 2018 to February 2019 which said transaction will not reflect in his account. That the Defendant would send a janitor named Chiwendu Godson to the ATM to do the transfer while he stays at his desk to monitor the transactions. That after each transaction a lieu or restriction will be placed on the transferred amount by the Defendant using his customer service right thereby making stopping the

money from leaving the account. That that the Defendant defrauded the bank the sum of N34 Million.

The Prosecution further stated that in the course of investigation relevant personnel of the bank and the Defendant were interviewed. That the Defendant made a confessional statement.

Prosecution tendered the petition to EFCC, the confessional statement of the Defendant and statement of account of the Defendant with Sterling Bank, UBA, Access and GTB. There was no objection from the Defence Counsel I. Chiaha. The documents tendered were admitted and marked as Exhibits A-E. Prosecution counsel therefore urged the honorable court to convict the Defendant as charged.

The Defendant admitted to the review of facts as presented by the Prosecution and there was no objection from defence counsel.

In light of the foregoing facts which are not disputed by the Defendant, I hereby find the Defendant guilty on each of the two counts of stealing contrary to Section 287(2) of the Criminal Law of Lagos State 2015.

### **ALLOCUTUS**

**MR. CHIAHA:** When the Defendant confessed to the crime and approached the bank for settlement the bank was willing and we approached EFCC for a plea bargain but the EFCC stated that they were no longer interested in plea bargain. In order not to waste the time of the court, the Defendant decided to change his plea to guilty. The Defendant is a first time offender. He is very remorseful and he has learnt his lesson. He is the only surviving child out of 9 children of his mother. His wife is heavily pregnant. The Defendant is very sick and suffering from tuberculosis. We urge the court to have mercy on him and I crave the court to consider the fact that the Defendant is a graduate less than 30 years of age. He is an ex-banker. He is the breadwinner of his family. The whole purpose of sentence is not punitive but correctional so the Defendant will be integrated back into the society. We urge the court to evoke Section 315 Administration of Criminal Justice Law 2015. The Defendant has been in custody from 28<sup>th</sup> March 2019. We refer the court to the case of **Adeleye vs. FRN (2016) AFWLR (part 856).** The Defendant has forfeited the sum of N2 Million and his landed property. We plead for mercy.

**MR. MOHAMMED:** We urge the court to not to award a fine as the sentence should act as a deterrent. We urge the court to give a custodial sentence. We urge the court to make an order of restitution of N34 Million being depositor's money in bank. We urge the court to make an order of forfeiture of the two plots of land, the Defendant's car and N2 Million.

**COURT:** I have carefully considered the facts of this case and the plea of the Defence counsel in his allocutus presented before the court. The Defendant is a first time offender as there is no evidence of previous conviction before the court. However, the Defendant is charged under Section 287(7) of the Criminal Law of Lagos State which relates to stealing by clerk and employees. The sentence is seven (7) years imprisonment. The Defendant was a bank official placed in a position of trust but he violated that trust by his fraudulent act using his position and access to customers' accounts to steal a sum of N34 Million. This is a serious offence as the incidents of fraud and stealing of customers' funds deposited in banks is on the rise.

In sentencing the Defendant, I have noted that the Defendant abused a position of trust and responsibility which he committed continuously and repeatedly over a period of almost one year. The culpability of the Defendant is high.

In coming to this decision, I am guided by the Lagos State Sentencing Guidelines Practice Directions. I have also considered the mitigating factor that the Defendant has pleaded guilty and has demonstrated some remorse.

In the light of the foregoing, I reduce the sentence of 7 years to 2 years and 6 months being approximately  $\frac{1}{3}$  of the sentence imposed by the law. There shall be no option of fine. Sentence shall commence from April, 2019.  
This is the ruling of this court.

I hereby make an order of restitution of N34 Million to Sterling Bank being customer's funds. The Defendant is to forfeit 2 plots of land to be sold and proceeds returned Sterling Bank Plc.