

**IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE BENIN JUDICIAL DIVISION
HOLDEN AT BENIN
ON WEDNESDAY THE 2ND DAY OF FEBRUARY, 2022
BEFORE HIS LORDSHIP, HON. JUSTICE (PROF.) C.A. OBIOZOR
JUDGE**

CHARGE NO. FHC/B/476/21

BETWEEN:

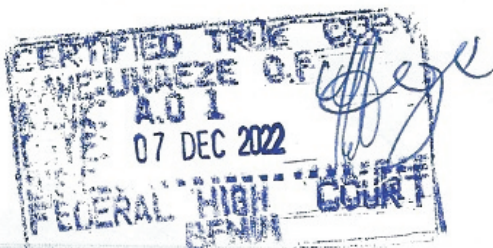
FEDERAL REPUBLIC OF NIGERIA COMPLAINANT

AND

ONUIGBO JULIUS IKECHUKWU DEFENDANT

J U D G M E N T

I have carefully appraised the plea of guilt by the Defendant to the Amended charge; the facts of the case, which the Defendant admits and the totality of unchallenged evidence including Exhibits "A" to "D" and the Court is satisfied that the Prosecution has proved the guilt of the Defendant beyond reasonable doubt to thereby discharge the burden cast upon it. See **Aguguo v. State**. I therefore find the Defendant guilty as charged. Consequently, the Defendant, Onuigbo Julius Ikechukwu, male, is hereby convicted of materially



misrepresenting facts as to his identity, sent by electronic messages to a lady in China with intent to defraud; for which the lady suffered financial loss in the sum of Forty Thousand Yuan, equivalent to N1.9m (One Million, Nine Hundred Thousand Naira) contrary to and punishable under Section 14(2)(b) of the Cybercrime (Prohibition Prevention ETC) Act, 2015.

Court: Does the convict have anything to say to this Court or evidence as to character?

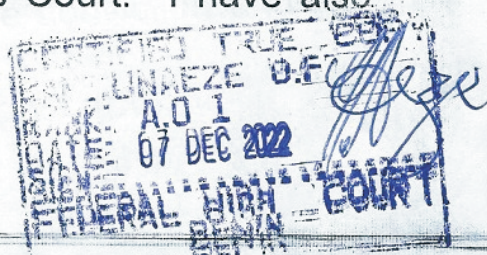
Convict: I plead for mercy.

Court: A.A. Ozigbu, is there previous criminal record and how long has the convict been in detention.

A.A. Ozigbu: There is no previous conviction known to me. He was arrested and released on bail after three weeks.

SENTENCE

I have noted the plea for leniency and the fact that the convict is a first offender. I have considered the punishment for the offence charged, the period of the convict's incarceration as well as the Sentencing Guidelines of this Court. I have also



noted that the punishment section for the offence charged does not expressly forbid the imposition of fine. See the import of **Nwude v. F.R.N.** on the extant principle on the point.

Additionally, I note the provisions of Section 416 of the Administration of the Criminal Justice Act, 2015, that first offenders be not subjected to custodial sentence except there be no other way of dealing with such convict. For these reasons, I am minded to accepting the terms of the Plea Bargain entered by the Defendant and the Prosecution, attached to the Amended Charge. In consequence, and by the tenor of the Plea Bargain, the convict is hereby sentenced to 5 (Five) years custodial sentence with effect from the date of this Judgment with an option of fine in the sum of N500,000.00 (Five Hundred Thousand Naira). In default of payment of fine, the convict shall serve the custodial term at the Benin Correctional Centre, Sapele Road, Benin. The convict shall forfeit the iPhone 8 plus with IMEL Number 356773083691 -- Exhibit "B" -- being the instrumentality of the crime to the Federal Government of Nigeria. The conviction and forfeiture



herein shall not foreclose the Economic and Financial Crimes Commission from applying to the Court for forfeiture of any other assets/properties traced to the convict as proceeds of the crime with which he is now charged and convicted. The convict shall also enter an undertaking in writing to be of good behaviour.



HON. JUSTICE (PROF.) CHUKA A. OBIOZOR
JUDGE
02/02/2022.

Parties:

Defendant, present.

Appearance:

**A.A. Ozigbo for the Prosecution.
No appearance for the Defendant.**

