IN THE HIGH COURT OF JUSTICE OF KWARA STATE

IN THE ILORIN JUDICIAL DIVISION

HOLDEN AT ILORIN

ON FRIDAY THE 12TH DAY OF AUGUST, 2022

BEFORE HIS LORDSHIP:-HON. JUSTICE I.A. YUSUF....................................JUDGE

SUIT NO: KWS/73C/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ....COMPLAINANT

AND

MUHAMMED SOLIU ....DEFENDANT

JUDGMENT

The defendant is standing trial on a 3 count charge which reads as follows:

COUNT ONE

That you Muhammed Soliu, sometimes in January 2020 to December 2020 in Ilorin, Kwara State within the jurisdiction of this Honourable Court did knowingly had under your control the sum of Two Million, One Hundred and Thirty-One Thousand, One Hundred and Eight-Five Naira Only (N2,131,185.00) found in your First Bank Account No. 3132482180 which is reasonably suspected to be unlawfully obtained and thereby committed an offence contrary to and punishable under section 319A of the Penal Code Law.

COUNT TWO

That you Muhammed Soliu sometime in January 2021 to November 2021 in Ilorin. Kwara State within the jurisdiction of this Honourable Court did knowingly had under your control the sum of Twenty One Million, Three Hundred and Sixty Thousand, Five Hundred and Eighty-Six Naira Only (N21, 360,586.00) found in your First Bank Account No. 3132482180 which is reasonably suspected to be unlawfully obtained and thereby committed an offence contrary to and punishable under section 319A of the Penal Code Law.

COUNT THREE

That you Muhammed Soliu sometime in January 2022 to July 2022 in Ilorin Kwara State within the jurisdiction of this Honourable Court did knowingly had under your control the sum of Three Million, Six Hundred and Ninety Thousand Naira Only (N3, 690, 000.00) in your First Bank Account No: 3132482180 which is reasonably suspected to be unlawfully obtained and thereby committed an offence contrary to and punishable under section 319A of the Penal Code Law.

The defendant pleaded guilty to the 3 counts when they were read and explained to him by the court Registrar. In the course of establishing its case against the defendant, the prosecution called one witness in the person of Salaudeen AbdulRasaq, an operative with the EFCC, Ilorin Zonal Office. The defendant did not give evidence to defend the case.

The prosecution witness told the court that sometime in June 2022, the Ilorin Zonal office of the EFCC received intelligent report about the activities of some internet fraudsters residing at Yanganmu, Oke-Ose, Ilorin East Local Government Area of Kwara

State. Surveillance was placed in the area and on 02-08-2022, the defendant was arrested and some items were recovered from him.

In the course of the investigation, it was discovered that the defendant operated a fraudulent email address, willianmsdorrio33@gmail.com. Several fraudulent documents were printed out by the EFCC from the fraudulent email address in the presence of the defendant.

Further investigation revealed that the defendant operated a First Bank account to carry out his illegal business. The account number is 3132482180. The defendant defrauded the persons of Leif Nielsen and Diesel Secusana in online transactions. He had presented himself to his victims as a white female residing in the United States of America. He fraudulently obtained the sums of N2, 131, 185.00; N21, 360, 586.00 and N3, 690,000.00 from his victims.

The defendant made four (4) confessional statements to the EFCC and stated therein what he used the proceeds of the illicit business to do. The prosecution tendered in evidence the following items which were admitted in evidence without objection as follows:

i. One Apple Iphone 12 Promax-Exhibit A

ii. One Samsung phone X8+-Exhibit B

iii. The key to the Toyota Camry purchased by the defendant from the proceeds of the illegal business-Exhibit C

iv. The four statements made by the defendant to the EFCC-Exhibits D, D1, D2 and D3

v. Two computer ownership identification forms-Exhibit E-E1

vi. Documents printed by the EFCC from the defendant's devices-Exhibit F.

vii. First Bank statement of account of the defendant with number 3132482180-Exhibit G.

viii. Two letters written by the EFCC to First Bank Plc. on 02-08-2022 and 03-08-2022-Exhibit H and H1 respectively

ix. The registration documents of the Toyota Camry with number KSF 846 HG Purchased by the defendant from the proceed of the illegal business-Exhibit I.

x. Deed of Transfer of the Land, wherein the defendant constructed a 3 bedroom bungalow from the proceeds of his illicit transaction, between Moses Adesina Agbana and the Defendant-Exhibit J

xi. One standing fan-Exhibit K.

xii. Arsh colour bag with 78 cloth material inside-Exhibits L, L1-L78 respectively.

As earlier said In this judgment, the defendant did not profer any evidence to challenge the testimony of the prosecution witness. The evidence of the prosecution witness is deemed admitted and sufficient in law to find the defendant liable for the offences charged. I believe the evidence of the prosecution witness and I find same probable.

Besides, there are confessional statements made by the defendant before the court, he did not challenge their admissibility in evidence.

In the case of Shurumo vs. State (2020) All FWLR (pt. 551) p. 140 6 at 1447, it was settled that a conviction of a defendant can be based on his confessional statement without any corroborative evidence. See also the case of Darlinton vs. FRN All FWLR (pt. 1006) P.600 at 120.

In view of the foregoing, I am satisfied that the prosecution has established its case against the defendant for the offences charged in counts 1, 2 and 3. He is accordingly convicted.

HON. JUSTICE I.A. YUSUF
JUDGE
12/08/2022.

ALLOCUTUS

Mr. Issa: We urge the court to tamper justice with mercy. Based on the judgment, justice, has taken its cause. The convict is a first time offender. See S.316 (2) a-d. of the A.C.J.L. We urge the court to give the convict option of fine.

Mrs. Alao: There is no record of previous conviction of the convict known to the prosecution. We leave the issue of sentencing to the discretion of the court.

We apply that exhibits A and B being instrumentalities of crime be forfeited to the Federal Government of Nigeria. Also, the Toyotal Camry to

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which exhibits I, K and L belong, the balance of money in the convict's account, the property covered by exhibit J, exhibit K and exhibits L, L1 to L78 be forfeited to the Federal Government, being proceeds of crime.

Mr. Issa: We have no objection to the application for forfeiture.

SENTENCE

I have carefully considered the allocutus made on behalf of the defendant by his counsel and the response of the prosecuting counsel. In view of the health condition of the convict, I will tamper justice with mercy with the hope that he will turn a new leaf being a young man.

On each of the 3 counts which the convict was convicted, he is sentence to 6 months in the Correctional Centre or pay a fine of N100,000.00.

The balance of money in the account of the convict with First Bank Plc and the proceeds of illicit business i.e. the Toyota Camry with registration number KSF 846 HG, the Apple iphone 12 promax, the Samsung phone S8plus, the landed property covered by exhibit J, the standing fan and cloth materials admitted as exhibits L to L78 are to be forfeited to the Federal Government of Nigeria.

HIGH COURT OF JUSTICE
ILORIN.

HON. JUSTICE I.A. YUSUF
JUDGE
12/08/2022.

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Official
12-9-2022

Certified by me
Olasanlele. O. Kehinde
Registrar

C.T.C 500
7/2/2023

7/2/2023

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