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IN THE HIGH COURT OF JUSTICE OF KWARA STATE

IN THE ILORIN JUDICIAL DIVISION

HOLDEN AT ILORIN

ON THURSDAY THE 11TH DAY OF AUGUST, 2022

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

SUIT NO: KWS/75C/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIACOMPLAINANT

AND

OLAYIWOLA TUNDE SAHEEDDEFENDANT

JUDGMENT

The one count charge against the defendant in this case reads as follows:

"That you Olayiwola Tunde(sic) sometime between the month of January, 2022 and June, 2022 at Ilorin, Kwara State within the jurisdiction of this Honourable Court did knowingly had under your control the sum of N12, 776 626.00 (Twelve Million, Seven Hundred and Seventy Six Thousand, Six Hundred and Twenty Six Naira) in your account number 0140928016 domiciled with Guaranty Trust Plc. which you knew to be unlawfully obtained and thereby committed an offence contrary to and punishable under section 319A of the Penal Code".

The Defendant pleaded guilty when the charge was read and explained to him by the Registrar of the court. Thereafter, the prosecution called one witness in the person of Udo Iniubong, an operative of the EFCC. He told the court on oath that the defendant was arrested on 26-07-2022 in his house at Harmony Estate, Ilorin based on the report received by the EFCC about the activities of internet fraudsters around Harmony Estate, Sobi Road, Ilorin.

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In the course of investigation, the defendant was found to have committed internet frauds by way of wire cheque fraud, credit card fraud and receipt of fraudulent money(s) on behalf of his accomplices, known as Pick-Up.

He was said to have purchased credit card from dark web and his transactions were mailed to his victim by name Dorothea Hutherson who lives in Tennessee in the USA. The illegal moneys made were said to have been lodged in a GTBank account No. 0148020916 from which the defendant purchased many properties.

The following items were tendered in evidence by the prosecution witness and admitted in evidence by the court without any objection:

- i. The key to the Toyota Camry 2010 model which was purchased by the defendant from the proceeds of the internet fraud-Exhibit 1.
- ii. The particulars of the Toyota Camry car-Exhibit-2
- iii. Sales agreement for the purchase of the car by the defendant in the name of his wife, Shakirat Awodiran Rotimi-Exhibit 3
- iv. iPhone 12 promax-Exhibit 4
- v. Infinix note 12-Exhibit 5
- vi. Infinix note 8i -Exhibit 6
- vii. HP Elite book -Exhibit 7
- viii. Four extra judicial statements made by the defendant to the EFCC-Exhibit 8, 8A-8C
- ix. The defendant's statement of account with GTBank number 0140928016 -Exhibit 9
- x. Seven pages printout from the defendant's gmail account -Exhibit 10

Answering questions asked by the counsel to the defendant under cross examination, PW1 told the court that he investigated the case against the defendant. He

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said the defendant is a first time offender. He was a student of the Kwara State Polytechnic when the offence was committed. He said the defendant has now graduated. Finally, the witness told the court that the Camry car which the defendant purchased in the name of his wife was recovered from the place where the wife hid it. The defendant did not challenge the evidence of the only prosecution witness. His counsel told the court that he would not enter a defence and he was not going to object to his conviction based on the evidence of the prosecution witness.

The court has carefully considered the charge against the defendant, the evidence of the prosecution witness and the exhibits tendered in this case. The defendant having rested his defence on the evidence of the prosecution witness and having pleaded guilty to the offence and having told the court that he would not object to his conviction by this court, has accepted the case established against him.

The court find the evidence of the prosecution witness credible and probable. The admission of crime by the defendant in his extra judicial statement and in court is enough to ground his conviction.

A defendant can be solely convicted based on his confessional statement. See the case of Shurumo vs. State (2010) All FWLR (pt. 551) P. 1406 at 1447. In view of the evidence of the prosecution witness in this case and the confessional statements of the defendant, I hereby finds the defendant guilty of the offence of having he had in his control money which is reasonably suspected to be stolen as contained in the one count charge against him. The defendant is accordingly convicted.

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HON. JUSTICE I.A. YUSUF

JUDGE

11/08/2022.

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ALLOCUTUS

Dr. Sambo: By section 316(2) of the A.C.J.L., Kwara State, 2018, section 402 (2) and 417 (2) (C) thereof, the court should take into consideration the need to rehabilitate and reform an offender. The convict is a first time offender. He was in custody for six days.

Mr. Ola: We leave the issue of sentence to the discretion of the court.

We apply that exhibits 1,2,3,4,5,6 and 7 be forfeited to the Federal Government of Nigeria. As well as the car that exhibits 1 and 2 belong to. We also apply that the proceeds of crime to the tune of 12, 776, 626 be restituted to the victim of crime in this case through the EFCC.

Dr. Sambo: The prosecution counsel misconceived section 347 (1) of ACJL, it is a discretion given to the court.

SENTENCE

I have carefully considered the allocutus made on behalf of the convict and the response of the prosecuting counsel.

The convict is hereby sentenced to six months in the correctional centre without option of fine.

He is also to forfeit the proceeds of crime and the properties purchased with same to the victim of the crime through the EFCC.

C.T.C. ASU

7/12/2023

HIB MH-24161-DF-44-0130
07/12/2023
APPEARANCES

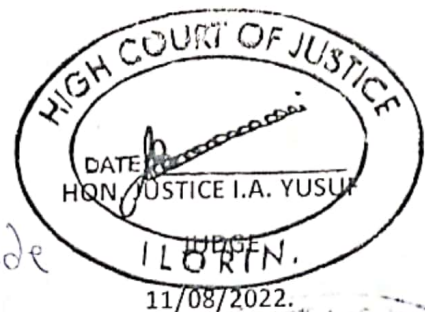
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Certified by me
Olasunkanle O. Okeinde
Registrar

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S.T. Ola Esq. for the prosecution

Dr. A.O. Sambo with H.O. Okene, Esq. for the Defendant.



OFFICE 7/12/2023
12-9-2022
ILORIN.