

IN THE HIGH COURT OF JUSTICE OF KWARA STATE

IN THE ILORIN JUDICIAL DIVISION

HOLDEN AT ILORIN

ON WEDNESDAY THE 23RD DAY OF NOVEMBER, 2022

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

SUIT NO: KWS/171C/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIACOMPLAINANT

AND

YUSUF YUSUF OLAREWAJUDEFENDANT

JUDGMENT

The charge against the defendant was filed by the complainant on 3 November 2022, it is a one count charge and it reads as follows:

"That you, YUSUF YUSUF OLAREWAJU, sometime between 16th January, 2022 and 13th October, 2022 at Erinle, within the judicial division of this (sic) Kwara State High Court, did knowingly had under your control, the gross sum of N39, 722, 319 (Thirty Nine Million, Seven Hundred and Twenty Two Thousand, Three Hundred and Nineteen Naira) deposited in your Guaranty Trust Bank Ltd account number 0226365092 which is reasonably suspected to have been unlawfully obtained and thereby committed an offence contrary to and punishable under section 319 (a) of the Penal Code Law."

The defendant pleaded guilty to the charge when it was read to him in court on 11 November 2022. Sequel to the leave granted by the court, the complainant called its

witness who reviewed the case against the defendant. The witness is Salahudeen ~~Charewa~~ AbdulRasaq, an operative of the EFCC, Ilorin Zonal Command. He testified as PW1.

The witness told the court that sometimes in October 2022, the EFCC received credible intelligence about the activities of internet fraud stars operating at Erinle town in Kwara State. Subsequently, surveillance was placed and on 23 October 2022, the defendant was arrested. The operatives of the EFCC recovered from the defendant the following:

- i. Iphone 14 pro max,
- ii. A Toyota corolla 2005 model,
- iii. A Toyota Camry 2013 model, and
- iv. A Mercedes Benz GLK 2010 model.

During investigation, the defendant filled a forensic digital form wherein he provided necessary information about his device. Analysis was carried out on the device and it was discovered that the defendant was operating a fraudulent email address ksmithkatie27@gmail.com. Several fraudulent documents were printed out from the email address and the whatsapp account. A certificate of identification was prepared and attached to the printed documents.

The witness told the court that investigation revealed that the defendant used the fraudulent email address to present himself as a female Missouri in the U.S.A. He induced two victims into on line dating relationships and defrauded them the sum of

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N39, 722, 319. 00 which was paid into his GT bank account by different online vendors. He said the defendant purchased the three vehicles recovered from him from proceeds of online frauds. He further told the court that the defendant made five confessional statements. The following documents/items were tendered in evidence and admitted without any objection as follows:

- i. The key and document of the recovered Mercedes Benz - Exhibits 1 and 1A respectively.
- ii. The key and document of the recovered Toyota Corolla 2005 model - Exhibits 2 and 2A respectively.
- iii. The key and document of the Toyota Camry 2013 model - Exhibits 3 and 3A respectively.
- iv. Iphone 14 pro max - *Exh. 4*
- v. Digital forensic form - Exhibit 5
- vi. EFCC letter addressed to GT Bank PLC dated 24 October 2022 - Exhibit 6
- vii. Response letter from GT Bank PLC to EFCC with certificate of identification - Exhibit 7 and 7A respectively
- viii. Printed documents from the email and the whatsapp account of the defendant, and a certificate of identification of the documents - Exhibit 8 and 8A respectively

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- ix. Five extra-judicial statements made by the defendant on 23/10/2022, 25/10/2022, 27/10/2022, 28/10/2022 and 2/11/2022 – Exhibits 9, 10, 11, 12 and 13 respectively.

Answering questions under cross-examination, PW1 agreed with the learned counsel to the defendant that the defendant has not done any fraudulent internet transaction since January 2022; that the three cars recovered from the defendants have not been registered and that the defendant wanted to use the cars for transportation business.

At the end of the cross-examination of the defendant, the defence counsel told the court that he had no address to make. On his part, learned prosecuting counsel urged the court to find the defendant guilty as charged based on his plea of guilty, the testimony of PW1 and the exhibits tendered in evidence.

The court has carefully perused and considered the charge against the defendant, the evidence of PW1 and the items/documents admitted as exhibits 1 to 13. An important feature of this case is the admission of guilt made by the defendant. He has admitted the case of internet fraud levied against him in the five extra-judicial statements. The confessional statements are sufficient to convict the defendant by the court. See *Alao vs. State (2020) All FWLR (Pt. 1039) P. 750 at 768-769*. See also *Orji vs. F.R.N. (2020) All FWLR (Pt. 1033) P. 825 at 832*, where it stated that a plea of guilty is the best evidence to convict a person accused of a crime. I am not unmindful of the evidence extracted from PW1 by the defence counsel to the effect that the defendant went into internet fraud so

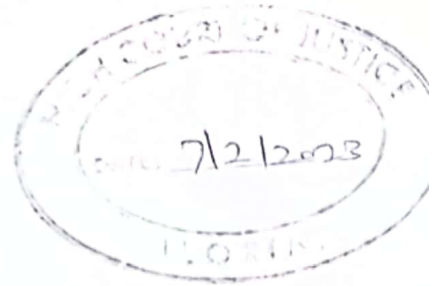
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as to raise money to start a transportation business and that he has stopped fraudulent internet transactions since January 2022. A crime will remain a crime notwithstanding the motive or intention of an accused person. I am satisfied that the prosecution has proved the charge against the defendant in this case beyond reasonable doubt as required by law. I find the defendant guilty as charged, he is accordingly convicted.

Bassam
HON. JUSTICE I.A. YUSUF
JUDGE
20/11/2022

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Certified by me
Olasantale O. Kehinde
Registrar
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