

IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE WARRI JUDICIAL DIVISION

HOLDEN AT WARRI

ON WEDNESDAY THE 6th DAY OF JULY, 2022

BEFORE HIS LORDSHIP, HON. JUSTICE OKON E. ABANG

JUDGE

CHARGE NO: FHC/WR/32^C/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA :::::::::::::::::::: COMPLAINANT

AND

KEHINDE ADEWALE :::::::::::::::::::: DEFENDANT

JUDGMENT

The Defendant was arraigned before this court on 6/6/2022 on one a count charge dated 22/3/2022. That you Kehinde Adewale sometimes in 2019 in Warri, Delta State within the jurisdiction of the Federal High Court of Nigeria did with intent to defraud induced one Gabriel Emadamerho Atori to pay the aggregate sum of **One Million, Nine Hundred Thousand Naira Only (N1,900,000.00)** into account No. 021707644 domiciled in Guaranty Trust Bank Plc and operated by you on the

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NAME: OKON E. ABANG

RANK: Justice

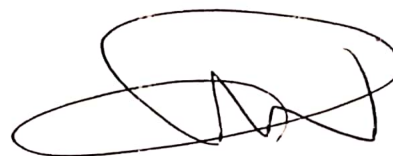
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FEDERAL HIGH COURT

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pretence that same was for a Canadian Visa pretence you knew to be false and thereby committed an offence contrary to section 1 (b) of the Advance Fee Fraud and Other Related Offences Act 2006 and punishable under section 1 (3) of the same Act.

The one count charge dated 22/3/2022 was read and explained to the Defendant in English language by the court's registrar. The Defendant understood clearly the content of the charge and pleaded guilty to the offence thereby relieving this court the burden of taking oral evidence to see whether or not the prosecution will prove the guilt of the Defendant. The Defendant was later remanded in custody and the case adjourned to 14/6/2022 for the review of the facts of in the case. The Defendant was not produced on 14/6/2022 for the review of the facts of the case. The matter was later adjourned to 26/6/2022

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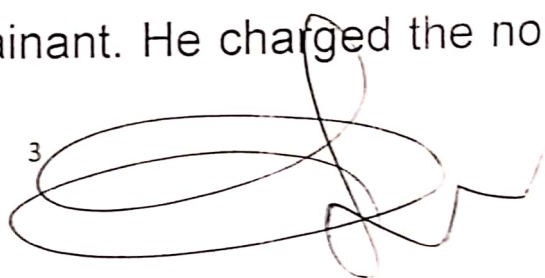
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and further adjourned till today for the review of the facts of the case.

When the matter was called the learned counsel for the prosecution I. M. Elodi tendered from the bar various documents to show that the nominal Complainant paid the Defendant the sum of **One Million, Nine Hundred Thousand Naira (N1,900,000.00)** under the pretence that he will avail or procure the nominal Complainant the Canadian visa.

In the petition addressed to Economic and Financial Crimes Commission (EFCC) admitted as exhibit "A1", the Defendant with telephone number **09030393440** represented to the nominal Complainant that he is a registered travel agent and adviser. That as a Personal Assistant to the Governor of Kogi State, he has the connection and ability to facilitate the granting of Canadian Visa to the nominal Complainant. He charged the nominal

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RANK: S. E. O.

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Complainant the sum of **Two Million Naira Only (N2,000,000.00)**.

That the nominal Complainant paid the Defendant **One Million, Nine Hundred Thousand Naira (N1,900,000.00)**

Exhibits "A5" and "A6" are the statement of the account of the Defendant from his Guaranty Trust Bank Plc showing the receipt of the said funds from the nominal Complainant's account from Zenith Bank. That upon payment of this amount the Defendant failed to take steps to procure the Visa for the nominal Complainant, failed even to respond to the nominal Complainant's calls.

The Defendant also confessed that indeed he collected the sum of **One Million, Nine Hundred Thousand Naira (N1,900,000.00)** from the nominal Complainant but denied being a travel agent and also denied being Personal Assistant to Kogi State Governor see exhibits "A2", "A3" & "A4" in evidence.

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RANK: S. E. O.
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The confessional statement is clear, positive and direct A court of law can even convict the Defendant based on his confessional statement even without pleading guilty to the offence.

I am satisfied that learned counsel for the prosecution I. M. Elodi has diligently established the guilt of the Defendant. With the unchallenged evidence placed by her before the court, the prosecution are entitled to Judgment convicting the Defendant notwithstanding the plead of guilt recorded by Defendant on the one count charge dated 22/3/2022. I hereby find the Defendant guilty and accordingly convicted on the one count charge dated 22/3/2022.

I so hold.

See section 274 (2) of Acja.



**HON. JUSTICE OKON E. ABANG
PRESIDING JUDGE**

6/7/2022

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RANK: S-E-O
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DATE: 21/3/23

SENTENCE

Under section 1 (3) of the Act, the punishment upon conviction is not more than 20 years and not less than 7 years I did not make the law. I am here to enforce the law.

That is the law. I doubt if I have a discretion here.

However the convict did not waste the time of the court. He pleaded guilty at the earliest opportunity. I alluded to this in my Judgment. The convict I see in the dock does not appear to be a hardened criminal may be circumstances of life forced him to do what he did.

It is also possible that was misled by the nominal Complainant.

He has four (4) children, who will take of those children I give him either maximum or minimum sentence more so according to him his wife is sick with cancer.

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RANK: S. E. - O
SIGN: [Signature]

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The court is not in a position to ascertain the stage of the said cancer who will take care of the children?

Notwithstanding, the provisions of the law, I am willing to take a risk to sentence him to a term of imprisonment that will show the humane aspect of the court taking into consideration the allocutus presented by the convict.

In the light of above, the convict is hereby sentenced to 6 month. Imprisonment with effect from 6/6/2022.

The convict shall refund the outstanding balance of the nominal Complainant's money in the sun of **One Million, Four Hundred and Fifty Thousand Naira (N1,450,000.00)** within 6 months upon being released from Correctional Centre.

I so hold.


HON. JUSTICE OKON E. ABANG
PRESIDING JUDGE

6/7/2022

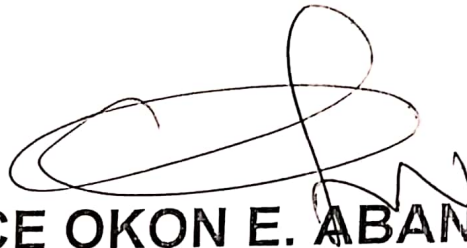
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RANK: S.R.O.

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APPEARANCE:

I. M. Elodi (Miss) for the Prosecution.



HON. JUSTICE OKON E. ABANG
PRESIDING JUDGE
6/7/2022

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