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**IN THE HIGH COURT OF JUSTICE OF KWARA STATE
IN THE ILORIN JUDICIAL DIVISION
HOLDEN AT ILORIN**

SUIT NO: KWJ/11^c/2021

BEFORE HIS LORDSHIP, HONOURABLE JUSTICE .M. ABDULGAFAR

BETWEEN:
FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

KELVIN ISIOMA MONYE.....DEFENDANT

JUDGMENT

1. The defendant was arraigned before this court on a two count charge alleging as follows:-

COUNT 1

That you Kelvin Isioma Monye (Alias Daniel Kendrick), sometime in the month of November 2020 in Ilorin within the jurisdiction of this Honourble Court, did attempt to cheat by personation by portraying as Daniel a bank staff in charge of funds transfer via your email address kend3768@gmail.com to one Michael A. Macdonald to induce him to send you \$1000 to claim a deceased customers inheritance, a representation you knew to be false and thereby committed an offence contrary to Section 95 of the penal code law and punishable under section 324 of the same Law.

COUNT 2

That you Kelvin Isioma Monye (Alias Hassan George), sometime in the month of June 2018 in Ilorin within the jurisdiction of this

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Honourble Court, did cheat by personation, by portraying yourself as a white male named Hassan via your email address kelvinmonyee37@gmail.com to one Louise Evan and induced her to send you \$1000 in gift cards, a representation you knew to be false and thereby committed an offence contrary to and punishable under section 324 of the same Law.

2. After taking the plea of the defendant the court took the prosecution's only witness who testified as Olasode Olumide, an operative of EFCC.

It is the evidence of Pw1 that following the receipt of an electronic mail petition regarding the activities of internet fraudsters in Ilorin, his team after laying a surveillance raided the area and it resulted in the arrest of the defendant at his apartment.

3. It is the evidence of Pw1 that on conducting a search on the defendant's apartment which resulted in the discovery of one iPhone 6 and Sony Pc.

It is the evidence of Pw1 that the defendant was taken to EFCC office where he completed the computer / phone attestation forms supplying the details of his devices and email address.

4. Pw1 states that fraudulent document found in the defendant's phone were printed and the defendant endorsed on each page thereof. Pw1 further states that the defendant volunteered a statement in which he admitted using his Kelvin Monye

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37@gmail.com and Kend3768@gmail.com to induce louise Evan of gift cards worth \$1000.

It is the evidence of Pw1 that the defendant has issued a draft in the sum of N460, 000 the equivalent of the \$1,000 he got from the victim to EFCC.

Pw1 admitted in cross examination that he committed the offence in which he realized \$1000 in 2018.

5. The prosecution closed its case and O.B. Akinsola in her address urged the court to hold that the prosecution has with the evidence of Pw1 established the case against the defendant beyond reasonable doubt.
6. I have considered the evidence of PW1 as well as the guilty plea of the defendant and find as a fact that the prosecution has established the offence against the defendant beyond reasonable doubt.
7. Consequently, I convict you Kelvin Monye of attempting to cheat by personation when you represent yourself as a bank staff in charge of fund transfer and induced Michael Macdonald to send you the sum of \$1000 contrary to section 95 of the penal code law.

I also convict you Kelvin Monye of cheating by personation when you represented yourself as a white male and induced

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Louise Evan to send you gift cards with \$1000 contrary to section 324 of the penal code law.

[Handwritten signature]

Hon. Justice M. Abdulgafar

Judge

15/02/21

SENTENCE

I sentence you Kelvin Monye to 3 months imprisonment on count one.

I also sentence you Kelvin Monye to three months imprisonment on count two.

Both sentence to run concurrently with effect from 13/01/21.

I order the forfeiture to the FGN the iPhone 6 and the draft for N460,000.

[Handwritten signature]

Hon. Justice M. Abdulgafar

Judge

15/02/21

APPEARANCE

O.B. Akinsola esq. for the prosecution

I.A. Rabi for the defendant

C.T.C - N500.00

[Handwritten signature]
11/1/2023

KL45L-30424-66200-5978

01/11/23

Certified by me
Sally M. Akinola
Chief Clerk
[Handwritten signature]
ILORIN 11/1/2023

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