

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

SUIT NO: KWS/169c/ 21

ON MONDAY 6TH DAY OF DECEMBER, 2021

BEFORE HIS LORDSHIP: HONOURABLE JUSTICE .M. ABDULGAFAR

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....CLAIMANT

AND

EZUKUSE KINGSLEY SOMTO..... DEFENDANT

JUDGMENT

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

COUNT 1

That you EZUKUSE KINGSLEY SOMTO sometime in July 2020 to June 2021 in Ilorin, Kwara State within the jurisdiction of this Honourable Court did knowingly have under your control Two Million Three Hundred Thousand one Hundred and Eighty Naira (₦2,300,180) paid into your Guaranty Trust Bank Account No. 0171721002 which is reasonably suspected to be unlawfully obtained and thereby committed an offence contrary to section 319A of the Penal Code and punishable under the same law.

COUNT 2

That you, EZUKUSE KINGSLEY SOMTO on or about August 2021 to September 2021 in Ilorin, Kwara State within the jurisdiction of this Honourable Court did cheat by personation when you pretended to be one Swole Bear Scott a Military Officer and fraudulently induced one Nathaniel Schnabel to part with \$500 and thereby committed an offence

contrary section 321 of the Penal Code and punishable under section 324 of the same law.

2. Testifying for the prosecution after the plea of the defendant was taken, Det. Kamaldeen yahaya stated that following Intel received by his commission on the activities of suspected internet fraudsters operating around Malete, Kwara State, operatives from the EFCC raided the area where upon the defendant was arrested amongst others.

It is the evidence of PW1 that on analysing the iPhone II Pro max found with the defendant fraudulently induced Nathaniel Schnabel to send him \$500.

3. It is also the evidence of PW1 that the defendant had in his Gtbank account the sum of ₦2, 300,180 between July 2020 and June 2021 money suspected to be proceeds of his unlawful activity.

Pw1 stated that the defendant confessed to committing the offence and has restituted in the sun of \$550 and ₦261,000.

In his address R.E. Akin urged the court to find as a fact that the prosecution has established the case against the defendant beyond reasonable doubt.

4. The court is urged to convict the defendant on all counts.

Mr. Salako had nothing to urge in favour of the defendant.

I have considered the evidence of Pw1 and the defendant's guilty plea and hold that the prosecution has established the case against the defendant beyond reasonable doubt.

5. I convict you **KINSLEY .E. SOMTO** of cheating by personation when you fraudulently induced Nathaniel to part with \$550 contrary to section 321 of the panel code law.

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I also convict you **EZUKUSE KINGSLEY SOMTO** of unlawfully having under your control through your Gtbank account the sum of N2,300,180 between July 2020 - June 2021, money suspected to have been unlawfully obtained contrary to section 319^A of the penal code law.



Hon. Justice M. Abdulgafar

Judge

06/12/21.

Appearances:

R.E. ALAO for prosecution.

O. SALAKO for defendant

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SENTENCE

I have considered the plea in mitigation made by Mr. Salako for the convict.

1. I sentence you **EZUKUSE KINSLEY SOMTO** to a term of 6 months at Ilorin correctional center on count 1.
 2. I also sentence you **EZUKUSE KINSLEY SOMTO** to a term of 6 months at Ilorin correctional center on count 2.
- Both sentences are to run concurrently and are hereby suspended under the supervision of Mr. Azeez of non-custodian unit of Nigeria correctional services, Kwara State.
3. The iPhone 11 Pro max, the sum of \$550 and ₦261,000 are forfeited to Federal Government Nigeria.

[Handwritten signature]

Hon. Justice M. Abdulgafar
Judge
06/12/21.

C.T.C - ₦500.00

[Handwritten signature]
11/11/2023

Certified by me
Salman Aqarim v.
Asst Chief Clerical officer
High Court of Justice, Ilorin

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HIGH COURT JUSTICE
ILORIN
11/11/2023

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