

IN THE HIGH COURT OF JUSTICE EDO STATE OF NIGERIA
IN THE BENIN JUDICIAL DIVISION HOLDEN AT BENIN CITY
BEFORE HIS LORDSHIP HON. JUSTICE MARY E. ITSUELI - JUDGE
ON THURSDAY THE 29TH DAY OF FEBRUARY 2024

SUIT NO B/CD/EFCC/37/2024

BETWEEN

FEDERAL REPUBLIC OF NIGERIA COMPLAINANT

AND

ADEWALE ELUFADAJIN FESTUS.....DEFENDANT

JUDGEMENT

The defendant Adewale Elufadejin Festus was arraigned before this court on the 29th of February 2024 on a one-count charge filed 28th of February, 2024 for the offence of false pretence contrary to Section 6 and 8 of the Advance Fee Fraud and other Fraud Related Offences Act 2006. Trial commenced on the 29th of February, 2024. The Prosecution informed the court that the Defendant through his counsel had made an application to the EFCC with a view to entering into a Plea Bargain Agreement.

The Defendant's plea was taken and he pleaded GUILTY to the one-count charge. K.Y. Bello, Esq. for the Prosecution thereafter reviewed the facts of the case. The Benin zonal command of the EFCC received an intelligence report dated 11/5/20. Upon receipt of the intelligence, surveillance was carried out which confirmed the credibility and genuineness of the intelligence. Thereafter, the defendant was arrested along with his Tecno L9 and brought to the command for statement taking. The defendant made statement under caution and confirmed that he was involved in internet fraud related offences. The said Tecno L9 was profiled and fraudulent documents were printed out from the said phone. The defendant and the prosecution entered into a plea bargain agreement. The plea bargain agreement dated 28/2/24 was filed along with the charge before this honourable court. In view of the plea of guilt of the defendant and the facts of the prosecution, I humbly urge that the defendant be sentenced.

In consideration of the defendant's plea and the facts set out by the prosecution, I hereby find the defendant Adewale Elufadejin Festus guilty of the offence charged.

ALLOCUTUS

I am sorry. I am a first time offender and promise not to go back to crime.

SENTENCE

In passing my sentence, I have considered most carefully the defendant's allocutus and the fact that by pleading guilty, the defendant has not put the court through the rigours of a lengthy trial. I note that the defendant and the prosecution have agreed on terms in the plea bargain agreement. I am mindful of the fact that I am not bound to accept the terms agreed to by the prosecution and defence. In this case, I find the terms satisfactory. I hope that it will send a strong message to the defendant and society that these sorts of crime do not pay.

My sentence therefore is as follows:

1. That you, Adewale Elufadejin Festus are sentenced to three years imprisonment commencing from the date of this judgment or pay a fine of ₦100,000 (One hundred thousand naira).
2. The defendant/convict shall forfeit his Tecno L9 telephone with IMEI number 357025085947881 to the Federal Government of Nigeria through the Economic and Financial Crimes Commission (EFCC).
3. The defendant/convict's account number 3051139350 domiciled with First Bank shall be permanently closed and all monies found therein shall be forfeited to the Federal Government of Nigeria through the Economic and Financial Crimes Commission (EFCC).
4. The defendant/convict shall enter an undertaking in writing to be of good conduct going forward to which his passport photograph is to be affixed.



HON. JUSTICE M.E. ITSUELI
JUDGE

29TH OF FEBRUARY, 2024

COUNSEL:

K.Y. BELLO, ESQ. FOR THE PROSECUTION

A.S. AKINFOLARIN, ESQ. FOR THE DEFENDANT