

**IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE CALABAR JUDICIAL DIVISION
HOLDEN AT CALABAR
ON WEDNESDAY THE 27TH DAY OF NOVEMBER 2024
BEFORE HIS LORDSHIP HONOURABLE JUSTICE IJEOMA L. OJUKWU
JUDGE
CHARGE NO: FHC/CA/210C/2024**

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

AND

UBANI DAVID FAVOUR - DEFENDANT
AKA MIKE YAZAN

PROCEEDING/JUDGMENT

Defendant is present in court.

Appearances

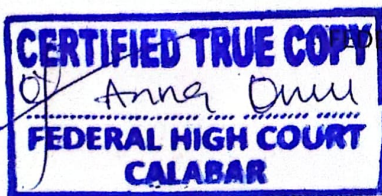
Khamis Mahmud appears for the Prosecution.

Emmanuel N. Nsabe appears for the Defendant.

Prosecutor: My lord, the matter is for plea and we have a One count charge dated 21st day of November 2024 and filed 22nd day of November 2024. We apply that the defendant be made to take his plea on the charge.

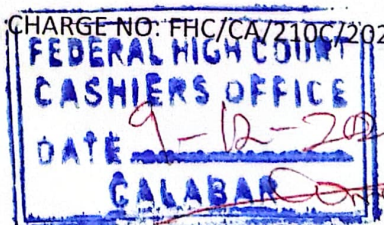
Court: The Matter for Arraignment. Read the charge.

The Charge for which the Defendant is standing trial is couched as follows:



FEDERAL REPUBLIC OF NIGERIA VS UBANI DAVID FAVOUR, CHARGE NO: FHC/CA/210C/2024

Bisong
Senior Executive
Officer (A.D)
9/12/2024



CHARGE

That you **UBANI DAVID FAVOUR** AKA MIKE YAZAN sometime in 2024 in Nigeria within the jurisdiction of this Honourable Court with intent to obtain property and gain advantage for yourself, fraudulently presented yourself as **Mike Yazan** on social media platform (Facebook) and thereby committed an offence contrary to Section 22(2) (b)(i) of the Cybercrime (Prohibition, Prevention Etc) Amendment Act 2024 and punishable under Section 22 (2)(b) (iv) of the same Act.

The Charge is read and explained to the Defendant in English language to the satisfaction of the Court and he appears perfectly to understand the Charge and Pleads;

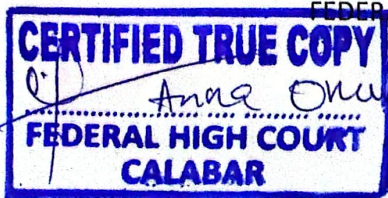
Defendant: I am guilty.

Prosecution:

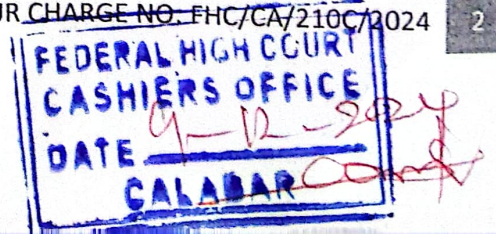
My lord, in addition to the plea of the defendant, the particulars of the charge and support of our case, the defendant made one statement to the EFCC. The statement was dated the 20th day of November 2024. The defendant was arrested with one Samsung S8 and one Tecno Spark 8 mobile Devices where incriminating documents were found. It was printed out from the phone of the defendant in his presence on the 20th of November. We seek to tender the phone, statement and the printed documents from his phone in evidence.

DEFENCE COUNSEL: We have no objection my lord.

Court: Without objection the statement of the defendant dated 20th day of November 2024 is admitted in evidence as Exhibit 1. One ash colour with black



Senior Executive
Office (A.D)
9/12/2024



pouch Tecno Spark 8 mobile phone is admitted as exhibits 2 and the printed documents from the Phone of the defendant is admitted as Exhibit 3 Series.

PROSECUTOR: That is the case of the prosecution and we urge the court to convict the defendant as charge. We urge the court to invoke Section 274 of the ACJA and convict the defendant.

DEFENDANT: We have no objection to this application.

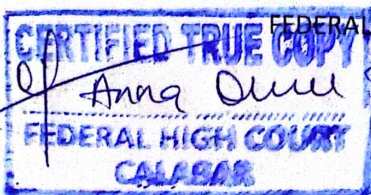
Court: In view of the, direct, positive and unequivocal plea of guilt offered by the Defendant and the exhibits tendered before this court, I hereby find the Defendant **UBANI DAVID FAVOUR** Guilty as charged on the one count charge, for the reason that the Prosecution has discharged the burden of proof on them which in the circumstance of this case is as light as the feather of an ostrich. See **Omoju VS FRN** (2008) 7 NWLR (Pt. 1085) 38

Allocutus:

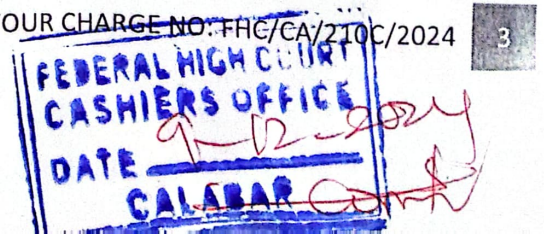
Counsel:

My lord with profound respect my lord, I have the permission and authority of the convict to plead his allocutus. The convict cannot speak fluently and he is frightened and may not be able to make his allocution. The convict does not have any criminal records and is a first time offender. He is very remorseful of his actions. He chose not to waste the time and resources of the court by the timeous plea of guilt. We urge the court to temper justice with mercy in the spirit of the season. He has vowed not to repeat what he did. He is a young person and his future should not be jeopardized by reason of the sentence. We so urge the court.

COURT TO PROSECUTOR: Does the Convict have any known criminal record?



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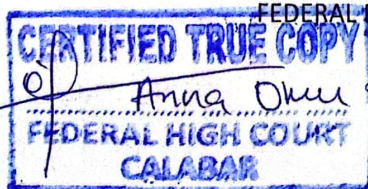


Prosecution: None to my knowledge. No records of previous conviction.

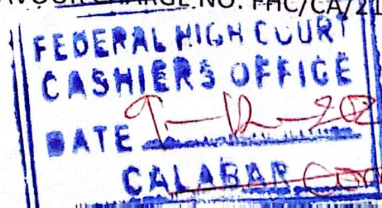
Court: I have heard the allocution of learned counsel Emmanuel N. Nsabe on behalf of the Convict and his entreaty for the Court to temper justice with mercy in view of the circumstances of the Convict. I have also taken into consideration that the Convict has no know criminal records as stated by the learned prosecuting counsel Khamis Mahmud and therefore an adjudged first - time offender.

This Crime has no justification and the prevalence of this genre of offence among the youths in our society calls for something urgent to curtail the spread, especially as a result of the negative image given to the country and the toll on the victims of crime. The convict and others like himself should be engaged in something more positive to eke out a living. However, I do not think that Custodial Sentence without more will afford the convict the time and opportunity for rehabilitation and to re-channel his intellect /energy positively. Having considered all the matters especially Section 22(2) (b) of the Cybercrime Act and Section 416 of the ACJA I hereby sentence the Convict as follows:-

1. The Convict **UBANI DAVID FAVOUR** is sentenced to 12 months Imprisonment or to a fine of ₦800,000.00 (Eight hundred thousand Naira) only in the alternative. The custodial sentence shall commence from the date the convict was taken into custody.
2. The Convict shall forfeit to the Federal Government of Nigeria the Tecno Spark 8 mobile device which is exhibit in this case tendered as the instrument of crime recovered by the Commission in the course of



Anna Omu Kisonu
Senior Executive
officer (i.s)
9/12/2024

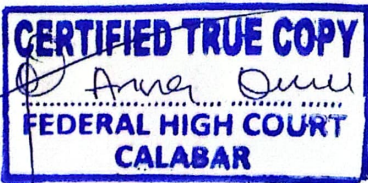


investigation. The exhibit shall be disposed of by public auction in line with the law and the proceeds paid into Federal Government Treasury.

3. The Convict shall enter into an undertaking to be of good behaviour and refrain from any action that may bring him in conflict with the law.
4. Convict is to be remanded at the Correctional Service Facility until the sentence is complied with.

The Court so holds.

HONOURABLE JUSTICE IJEOMA L. OJUKWU FCI Arb
JUDGE
27/11/2024



*Bisong
Senior Executive
Office v (Q.D)
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*CTC of Judgment #250.00
of 9/12/2024*

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