

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO ON THE 23RD DAY OF JUNE, 2016.

BEFORE HIS LORDSHIP: HON, JUSTICE U.P. KEKEMEKE
SUIT NO: FCT/HC/CR/3/14

COURT CLERK: JOSEPH BALAMI ISHAKU

BETWEEN:

FEDERAL REPUBLIC NIGERIAPLAINTIFF

AND

GABRIEL OLUGBENGA CHARLESDEFENDANT

JUDGMENT

By a two Count Charge dated and filed on the 26th day of September 2014, the defendant stands charged on the first count for the offence of demanding N880,000.00 as bribe from one Dr. Precious Gbeneol a former Hon. Secretary Health and Human Services Secretariat, Abuja under false pretence of being an operative of the Economic & Financial Crimes Commission to close the case against her contrary and punishable under Section 132 of the Penal Code Cap 532 Laws of the Federation of Nigeria (Abuja) 1990.

The 2nd count is that the defendant with intent to defraud, obtained the sum of N880,000.00 through his Skye Bank Account number 1018934528 domiciled in Abuja from one Dr. Precious Gbeneol a former Honourable Secretary, Health & Human Services Secretariat Abuja as bribe to close the case against her when he is not EFCC Operative and thereby committed an offence contrary to Section 1(1)(a) of the Advance Fee Fraud and other Fraud Related Offences Act 2006 and punishable under Section 1 (3) of the same Act.

The Defendant was arraigned on the 19/02/15. He pleaded not guilty to the two count charge .

The Prosecution opened its case and called two witnesses in proof therefrom. The 1st Prosecution Witness is Friday Ebelo of No. 5 Formella Street, Wuse II, Abuja. That he worked at EFCC. He knows the Defendant. That the EFCC received two Petitions, one dated 29/07/11 and another dated 26/08/11 both written and signed by one Dr. Precious Gbeneol. He stated that she refers to the defendant as somebody who impersonated as an EFCC official. That based on the above, he was given N30,000.00 in Port-Harcourt and the sum of N880,000.00 was paid into

the defendant's account with Skye Bank. That if he sees the Petition he will recognize it. The Petition dated 29/07/11 is Exhibit A.

That the Nominal Complainant gave the EFCC a copy of the Bank Teller for N880,000.00. The EFCC wrote a letter to Skye Bank requesting for Account Opening Mandate, Statement of Account and that a Post-No-Debit Order be placed on the Account.

The letter requesting for the Account opening package and the Skye Bank Lodgment Voucher are Exhibits B and B1. The Bank obliged them the Lodgment Card where they found that the Defendant is an employee of the FCMB. He proceeded to FCMB where the Defendant was identified as one of the employees in the Driving Section. That EFCC later received correspondence from Skye Bank addressed to the Executive Chairman which was minuted to his team. That the Defendant's Statement of Account was part of the attachment to the said letter. Exhibits C – C3 are the Reply of Skye Bank dated September 13, 2011 with the Account Opening Package, CTC of Statement of Account with the instruction to Customer Care to apprehend the Defendant. At the FCMB, they where told that he was away to Keffi on

assignment. They sent for his call-log details. They were able to trace him to New Nyanya and an informant led them to his house in 2011. That he was eventually arrested on 24/12/13 and brought to the office. On being shown the Petition, he made a voluntary statement dated 24th/25th September 2013 and 3rd October 2013. Exhibits D-D5 are the said statements of the Defendant.

In the course of investigation, they found that the Defendant was a driver with FCMB and was attached to Jecinta Nwosu, the Head of Marketing who had a major disagreement with the Nominal Complainant. That in the course of driving his boss he laid hands on the vital documents of the Complainant and he then presented himself as EFCC Operative with facts. The EFCC found out that based on the activities of the Defendant, he has been severally placed on suspension by the Bank. That they were not able to recover the N880,000.00. That the Defendant had already run down the account before the closed on him. They were also unable to recover the EFCC Jacket.

Under Cross-examination, the witness answers as follows:

That he made cautionary words while one Mohammed did on 3/10/13 in an open hall. To a question he answered that he read over the statement. To another question, he answered that they did not go to Port-Harcourt but saw the husband of the Nominal Complainant down with stroke. They could not ask him questions. To another question, he answered that there was reason why they would insist on seeing the pastor. That no other statements were taken aside Exhibits D – D2. He absconded to go for a course with the money but he was arrested. To a further question, he answered that they were in possession of his International Passport and is aware that he travelled. That they have a Zonal Office in Port-Harcourt but is not aware that he stayed in the Complainant's house for three days. They were told that he was in the Hotel for three days and the Defendant confirmed it. To another question, he answered that as at the time she Petitioned, she had left Federal Capital Development Authority. That the Defendant's phone number refused to work after he left Port-Harcourt. That he denied he was given N880,000.00 but later agreed when he was shown the mandate card. The 2nd Prosecution Witness is one Precious Gbeneol. She works with the Health Centre of the Rivers State University of Education. That she joined

the University in the year 2000. That in 2009, she had a political appointment as the Honourable Secretary of Health FCT from 2009 and 2011 and took a leave of absence.

She knows the Defendant very well. That in 2011 towards the end of June or mid June, she got a phone call from someone who called himself Mr. Charles Olugbenga Gabriel. That he was calling her from EFCC. That his boss told him to call her. That he had a Petition written against her which he wanted to see her for. He asked that she sees him at Transcorp Hilton Hotel. She told him she was not in Abuja. Her husband was beside her. That she was in Port-Harcourt. That if he could come to Port-Harcourt, they would listen to him, he then said he would come.

She gave him the address of the church and that she would see him with her husband and pastor. The name of the church is Covenant Glory Ministries. That he came during a mid week service day and stayed outside until after the service. He wore the EFCC ID Card and Jacket. The Defendant told her that he prosecuted Bankole, the

then Speaker of the House of Representatives. He then brought out some companies Bank Statements. Two are company accounts while the other belong to an individual. She recognizes one of the Companies out of them which is Loliya Nig. Ltd. He asked me if they are her accounts and she said no. He said they are accounts he was detailed to investigate. That he did his investigation and they are not linked to her as claimed by one Jecinta Nwosu. That Jecinta Nwosu was a banker with FCMB who was coming around to source for funds when she was Secretary of Health of the FCT. That she refused her stating it was only the Minister who could give her accounts but promised to introduce her to contractors. The Defendant then said, he needed to properly write his reports. That he would meet MTN to stop further disturbance and bogging of her phone. He demanded for N880,000.00 to do so. They put him in the hotel and paid Air fare to and fro plus feeding. She told him to give her a little time to raise the N880,000.00. He later started calling a couple of days complaining that she was delaying investigation.

She got the money and paid it into the Skye Bank Account that he gave to her. That she paid personally but used the name Victore Manwar. She identified the deposit slip. That after paying the money, she waited for about two or more weeks. She was no longer hearing anything, it would ring but he would not pick and later it was no longer available. After some weeks, she went to EFCC's office at Wuse II to complain to a Director. He asked her to put it into writing which she did. He also gave them the letter. Exhibit A is the Petition. That before she went to EFCC to lay the complaint, the Defendant put her under some psychological work. That she has just entered the bank. That his boys are monitoring her. That she did not know that he was working with First City Monument Bank. That sometime last year one Friday Ebelo called her that they have been able to trace Mr. Gabriel the Defendant as a Driver to one of the Managers of FCMB. She was later informed that the case is in the Court.

Under Cross-examination by the Defendant's Counsel, the witness answers as follows: That she is not the younger sister of Mrs. Patience Jonathan. That her mother did foster the First Lady. That she was at a time the Senior Special

Assistant to the President on Millennium Development Goals. To another question she answered that she has access to the Villa. That she did not have a Police Orderly. That she could not state the exact date but it was in mid June 2011 that the defendant called her. That she was in Port-Harcourt, and it was not the same day he came to Port-Harcourt. To a question, she answered that she is not aware that her pastor came to pick him in Port-Harcourt. That when he called her that he was in Port-Harcourt, she asked him to go to the church. That he was already in the church premises when she got to the church. That she met the Defendant with her husband and pastor. That he showed her the ID Card on his neck. That she did not scrutinize same. It is probably in the name of Charles Olugbenga.

To another question, she answered that he brought a jacket written on it EFCC with the ID Card on his neck. That she is not aware there is a branch of EFCC in Port-Harcourt. To a further question, he answered that it is only Jecinta Nwosu that had written Petition against her. That she was not her Account Officer. That it was a Petition of threat to

life. That she mentioned some Companies which she introduced to her for Advance Payment Guarantee. That she was also handling an account which she opened. To a question, she answered that he did not show her part of her account with FCMB. That he did not say he saw her documents on the floor while driving out. She does not know any Samuel living with her in Port-Harcourt. That the Company account statement he brought is known to her. It is a younger brother's. That she believed all that he told her. She denied telling him to write a report and take the money to stop further bogging of her phone by Jecinta Nwosu. To another question, she answered that he only spent a night. She stated that she did not demand to see the Case file.

She confirmed writing her statement and exhibit B1. That she paid the money in July. That the money given was about N100,000.00 – N120,000.00 as expenses. That Exhibit A is Petition to EFCC. She cannot remember when she packed out of the Durumi House. The above is the case of the Prosecution.

The Defendant gave evidence for himself and called no other witness. He stated that he is Gabriel Olugbenga Charles. That sometimes in July 2011, he found an envelope that contains some print out statement of account of certain Companies. That the statement of account are in 39 piece of different names of Companies personal names and banks. i.e FinBank, GT Bank, FCMB, etc. That on the envelope, a name and phone number were written. That the name on the phone number was Dr. Precious Gbeneol. He called the phone number to let the person know that he found the documents. She asked him to read some of them which he did and she then said she would call me back. That about fifteen minutes later she called back and begged that he brings the documents to her in Port-Harcourt. She transferred N30,000.00 to him that night for flight ticket. The next morning, he flew to Port Harcourt. When he got to Port Harcourt, he called the number but she said she would get back to him in few minutes. That about 30-35 minutes, a man called him to say Dr. Precious Gbeneol asked him to pick him. That few minutes after the call, a metallic Range Rover car picked him and the driver introduced himself as pastor to Dr. Precious Gbeneol and he followed him down. He showed him his church and the pastor's house where he

waited for Dr. Precious Gbeneol for about three hours. That he took his breakfast in the pastor's house. That after about three hours she came with her husband. That they moved into the church with him and the pastor where he handed over the documents. That when she opened the envelope, she expressed surprise and shock.

That she started telling them about her account officer Jecinta Nwosu who worked with FCMB. That she entrusted so many things into her care and how she took her money and they had problems. They ended the conversation when service was to commence. That she was grateful. The husband gave him N20,000.00 while the pastor gave him N10,000.00. That when the service began, he even played the key board on that day. That after the service, her younger brother who she also called arrived. She asked what she could do for him and he told her his plan to go to study Security in South Africa. That they used the brother's phone Samson to check the admission online and having seen the amount he has paid and the balance of N800,000.00, he then asked her to pay the balance but she said she would ask a friend to assist him.

They drove him to her house and he ate dinner. He was given an option to stay in the guest room or in the quest house but he opted to stay in the Guest House. He was introduced to her mother. He was driven to the Guest House and he lodged there. He was also given N30,000.00.

The next day before 12 o'clock Samson and a Driver came to check him out of the Hotel and drove him to the Airport and he then returned to Abuja. Two days later, Dr. Precious Gbeneol called him to ask if he received an alert and he said no. That after 45 minutes, he received an alert of N880,000.00 from one Victore. There was no other discussion between him and Dr. Precious Gbeneol until when he was about to leave. That he called her around Christmas.

Under Cross-examination, he answered as follows:

That he is from Ibadan, Oyo State. That he once worked with FCMB. That he was a driver. That he was suspended while in FCMB because of an argument between him and his boss' younger brother who was a Mechanic to the car he was driving. His boss felt he was rude to the younger brother. His boss is Anthony Ekwe, the Personnel Manager.

That he was suspended for 30 days with an option for extension. That when he resumed his boss said the suspension was extended so he left. That he has never worked at Health and Human Services Secretariat Abuja.

In 2011, he was never resident in Port-Harcourt. To another question, he answered that he remembered making statements at EFCC. That he went to Port-Harcourt to deliver statement of account that he found on the floor. That he handed over the papers to Dr. Precious Gbeneol. That it is N880,000.00 that she gave to him. That he made a mistake in his statement. That he was tensed up and he wrote N80,000.00 but in figure, he wrote N800,000. That the money she paid is reflected in the statement of account Exhibit C3. To another question, he said she did not ask him where he worked. That he does not work directly with Jacinta of FCMB. To a further question, he answered that he did not request, she merely asked what she can do for him and he answered that he gained admission and she could help him along his education. That the statements Exhibit D – D2 contained other things aside introduction.

Both parties filed their Final Written Addresses. The Defendant's Written Address is dated and filed on the 4/03/16. Learned Counsel adopted same as his Final Oral Argument. The Prosecution also filed and served its Final Written Address on the 14/03/16. He also adopted same as its Final Written Address. The prosecution posited two issues for determination.

1. Whether the prosecution has not proved the charge of impersonation of a Public Servant as done by the Defendant to the Nominal Complainant beyond reasonable doubt.
2. Whether the prosecution has not proved the charge of obtaining money by false pretence beyond reasonable doubt.

Learned Counsel to the prosecution contends that the prosecution must prove under count 1, that:

1. The Defendant impersonated a Public Servant or that he pretended to hold the Office of a Public Servant.
2. That he was not such a Servant or did not hold the post pretended.

3. That he altered falsely or that he knew that he did not hold the office in question.
4. That he when assuming the character, did or attempted to do something under the colour of his assumed office.

That in proof thereof the prosecution called PW1 and PW2. Learned Counsel submits that the Defendant impersonated a Public Servant or that he pretended to hold the post of a Public Servant i.e an Operative of the Economic and Financial Crimes Commission and that he was not such an Operative or did not hold the post pretended. That it is clear from the evidence that the Accused acted falsely or at best he knew that he did not hold the Office in Question. It is not in issue that Defendant called the PW2 and went from Abuja to Port-Harcourt to meet with PW2, her husband and Pastor under the disguise of investigating a case brought against her.

The Defendant's Counsel posited one issue for determination which is whether the prosecution has proved its case against the Defendant beyond reasonable doubt.

Learned Counsel to the Defendant submits that the fact that PW1 linked the story of the documents the Defendant went to Port-Harcourt to hand over to the Nominal Complainant to the crime of impersonating an EFCC official makes the evidence not substantial. That suspicion no matter how grave cannot amount to proof that a Defendant committed the offence for which he was charged. That it is not enough for the prosecution to suspect a person. That the investigation of PW1 leaves much to be desired. That no efforts was made by the investigation team of the EFCC to go to Port-Harcourt to investigate the Church, find the Pastor, the Complainant and the Accused were referring to, and also investigate the question of house help or domestic staff who was in the house the day the Defendant went to the house. That no investigation was conducted on the Husband of the Complainant by the EFCC. That the Complainant's Husband, Pastor and Domestic Staff ought to have been called to corroborate the Complainant story. That no Court of Law will convict a Defendant based on suspicion. That no Exhibits were tendered to convince the Court that a case of impersonating a Public Servant was committed. That the prosecution has not proved the guilt of the Defendant beyond reasonable doubt.

I have read the evidence of parties and considered the Written Address of Counsel. On the 1st Count of Impersonating a Public Officer contrary to Section 132 of the Penal Code. Section 132 of the Penal Code States:

“Whoever pretends to hold any particular office as a Public Servant knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment for a term which may extend to three years or with a fine or with both”.

By Section 135 of the Evidence Act, if the commission of a crime by a party to any proceedings is directly in issue in any proceeding civil or criminal, it must be proved beyond reasonable doubt. The burden of proving that any person has been guilty of a crime or wrongful act is subject to Section 139 of the Act on the person who asserts to whether the commission of such act is or is not directly in issue in the action.

In criminal trial, the burden of proof lies throughout, upon the prosecution to establish the guilt of the Defendant beyond reasonable doubt and it never shifts.

See ***ANI VS. STATE (2003) 11 NWLR (PT. 830) 142.***

IGABELE VS. STATE (2006) 6 NWLR (PT. 975) 100 SC.

The prosecution must prove the following in an offence of impersonation under Section 132 of the Penal Code:

1. The Defendant must pretend to hold any particular office as a public servant.
2. That he does not hold such an office or falsely personate any other person holding such office.
3. That in such assumed character does or attempts to do any act under the colour of such office.

In proof of the said Count, the prosecution called two witnesses. I have earlier reproduced the Evidence of the two prosecution witnesses. However I shall refer to the relevant parts. The evidence of PW2 is that around 2011, she got a call from the Defendant who claimed to be calling from

EFCC on the instruction of his boss. He claimed to have a Petition written against PW2 as a result of which he wanted to see her. He travelled to Port-Harcourt. The PW2 said he wore ID Card and a Jacket with an inscription EFCC written on it. He brought out some accounts statement which he said he was told to investigate. That he did his investigation and found that PW2 was not linked to them. He claimed that he needed to properly write a report and also meet MTN to stop bogging PW2's phone. That the Defendant also said he prosecuted **BANKOLE**, the former Speaker of the House of Representatives. That the Defendant called her severally stating that she was delaying the payment of the sum he asked for stating she was delaying investigation. That the PW2 was latter to be informed that the Defendant was a driver of FCMB. The evidence of the 1st prosecution witness succinctly is that PW2 wrote a Petition which is Exhibit D. in Exhibit A, the PW2 said Defendant travelled down to Port-Harcourt with the story of working for EFCC in Abuja. That he was sent by his boss to investigate a false story about her and needed to interview her. That after investigation he needed to write a comprehensive report. The PW2 gave them a copy of the Teller with which she paid N880,000 into the account of the Defendant. In their investigation at Skye

Bank, they discovered the Defendant was working at FCMB. At FCMB the head of Security and Control identified the Defendant as one of their employees in the Driving Section Exhibit C – refers.

I believe the evidence of the prosecution witnesses. From the totality of the prosecution's evidence, I found as a fact that:

1. The Defendant pretended to be an operative of the Economic and Financial Crimes Commission.
2. That the Defendant in actual fact was a driver at that material time with First City Monument Bank but abandoned his work and flew to Port-Harcourt on the frolic of his own.
3. That in that pretence or assumed character as an operative did receive the sum of N880,000, a lodgment in the Hotel and got money for flight ticket to and from Port-Harcourt.

The Defendant's Counsel in his Written Address has copiously argued that the prosecution did not investigate the Church or invite the Pastor of the PW2's Church or the

house girl or maid to testify in Court. That the failure of the prosecution to either investigate or call them to testify is fatal to their case. I do not think so. I do not see what concerns the maid or house girl or the Pastor or Husband of the PW2. She has given her evidence. In my view her evidence is cogent and convincing and I believe same. In the circumstance the absence of any corroboration by a witness is immaterial. The Defendant's Counsel also argued that it was a mere suspicion. With respect, the argument is not borne out of the evidence before the Court. It is my view and I so hold that the Prosecution has proved Count 1 of the charge beyond reasonable doubt.

Count 2 of the charge is a charge of obtaining money under false pretence contrary to Section 1(1)(a) of the Advance Fee Fraud and other related offences Act 2006 and punishable under Section 1(3) of the same Act.

In ***ONWUDIWE VS. FEDERAL REPUBLIC OF NIGERIA (2006) 10 NWLR (PT.988) 382 AT 393***, the Supreme Court

defined and espoused the ingredients of the offence of false pretences by holding thus:

“The offence of obtaining by false pretence means knowingly obtaining another person’s property by means of misrepresentation of a fact with intent to defraud...”

For an offence of obtaining by false pretences to be committed, the Prosecution must prove that the Accused had an intention to defraud and the thing is capable of being stolen. An inducement on the part of the Defendant to make his victim deliver a thing capable of being stolen or make the victim deliver a thing capable of being stolen will expose the Defendant to imprisonment of the offence.

The Supreme Court held further:

“...To succeed in a charge of obtaining by false pretences, the Prosecution must prove:

- a. That there is a pretence.
- b. That the pretence emanated from the Defendant.
- c. That it was false.

- d. That the Defendant knew of its falsity or did not believe in its truth.
- e. That there was an intention to defraud.
- f. That the thing is capable of being stolen.
- g. That the Defendant induced the owner to transfer his whole interest in the property.

See also ***OSHIN VS. IGP (1961) 1 SCNLR 49.***

ADEYEMI VS. C.O.P 1961 ANLR 387.

Succinctly, the evidence of the Prosecution is that the Defendant pretended to be an Operative of the Economic & Financial Crimes Commission represented same to the Nominal Complainant orally and by wearing its jacket and ID Card knowing fully well that it was false being in the employment of First City Monument Bank as a Driver, induced the PW2 to transfer to him the sum of N880,000 with a view of writing a comprehensive report exonerating her and then stopping the bogging of her phone and any other

disturbances over a Petition written against her by one Jacinta Nwosu,

I believe the evidence of the Prosecuting Witness. There is a pretence which emanated from the Defendant which was false. The Defendant knew he is not an Operative of the EFCC and it was made with the intention of obtaining the sum of N880,000.00. There is also evidence that the Nominal Complainant was induced to transfer N880,000.00 to the Defendant.

The evidence of the Defendant at best is an afterthought. I have gone through his statement Exhibit D – D2. In his evidence and in Exhibit D, he said he found an envelope containing some Account Statements bearing the name and telephone number of the 2nd Prosecuting Witness. He called her and offered to travel by Air leaving his job to Port-Harcourt for the purpose of delivering same to her. There is no evidence that he informed his boss or and body. He did not contact the Customer care of the bank where he worked to deposit the said envelop. He rather choose to travel to Port-Harcourt to meet Dr. Precious Gbeneol who he never met before. That he explained to her his dream of going to

school and she gave him N80,000,00 through his Skye bank Account.

On being confronted with the Petition, he said there was a mix-up in the Petition. That the statement in the Petition that Mrs. Precious Gbeneol paid N880,000.00 into his account was a mistake. He appealed to the EFCC to investigate same.

The Economic & Financial Crimes Commission did investigate and found vide the lodgment voucher attached to the Petition and the Defendant's account details Exhibit C3 that on 04/07/11, one Victore Manwar deposited the sum of N880,000.00 in the Defendant's account.

Under Cross-examination, he attributed the writing of N80,000.00 to his tensed condition but that he wrote N880,000.00 in figure.

I have gone through the said Exhibit C. It is also not true. He further stated he did not impersonate an official of the EFCC and that it was a case of mistaken identity. In his further statement, he agreed that the sum of N880,000.00 was paid into his Skye Bank Account. I do not believe the story of the Defendant. The 2nd Prosecuting Witness will

have no reason in my view to concoct a story or write a Petition against Defendant. The Prosecution has also proved the 2nd count of obtaining money under false pretence against the Defendant beyond reasonable doubt and I so hold.

It is my view and I so hold that prosecution has discharged the burden placed on it by Section 135 of the Evidence Act 2011.

The Defendant is hereby found guilty of the two count charge of impersonation and obtaining money under false pretences and is hereby convicted.

Prosecution: I thank you for the industry, we are grateful.

**HON. JUSTICE. U.P. KEKEMEKE
(HON. JUDGE)**

SENTENCING PROCEEDINGS:

Court: Do you intend to call evidence to mitigate sentence?

Defendant's Counsel: I do not intend to call evidence. The Defendant is a first offender. He is a bread winner. He has two little children. He is the sole sponsor. We plead that the sentence should be mitigated. He is a first born and only star in the family. I rely on Section 416(d) of the ACJA which says that a Court shall not pass maximum sentence on an offender. We urge the Court to mitigate the Sentence.

Prosecution: The Defendant's sentence under Section 132 of Penal Code is a maximum of 3 years, or fine or both.

On the 2nd count is 20 years and not less than 7 years. The only discretion given to your Lordship is that the sentence should not be less than 7 years. We urge the Court to pass sentence accordingly.

Court: I have carefully listened to the submission of both Counsel in respect of sentencing. On count one of the charge, the punishment for an offender under Section 132

of the Penal Code is a maximum of three years or with fine or with both.

The Defendant's Counsel stated that the Defendant is a first offender. He is a bread winner. The sole sponsor of his two little children. The Defendant is a young man. It is human to err but divine to forgive. I shall give him another opportunity in life.

In respect of the 2nd count, the punishment is 20 years and not less than 7 years without the option of fine. The reason I stated in respect of Count one is adopted. There are no aggravating factors that will enable the Court apply the maximum sentence. The Defendant is a first offender. It is also in evidence that the Nominal Complainant was put under psychological torture and trauma. I am also aware that no significant harm was done to the victim.

In the circumstance, the Defendant is sentenced on the 1st Count to six months imprisonment without an option of fine. On the 2nd Count, he is sentenced to 7 years imprisonment without fine.

Sentences to run consecutively.

- (1) The Defendant is hereby ordered to refund the N880,000.00 received from the Victim and deposited into Defendant's Skye Bank Account.

- (2) The Defendant is further ordered to refund N60,000.00 Air Fare paid by the Nominal Complainant.

HON. JUSTICE U.P. KEKEMEKE
(HON. JUDGE)
23/06/16