

Belton



COUNCIL OF LEGAL EDUCATION
NIGERIAN LAW SCHOOL
BWARI - ABUJA

BAR PART 1 EXAMINATIONS

NIGERIAN CRIMINAL LAW

FULL ANSWERS ON WWW.ISOCHUKWU.COM

TUESDAY, SEPTEMBER 25, 2018

TIME ALLOWED: 3 HOURS

ANSWER FIVE (5) QUESTIONS ONLY. EACH QUESTION CARRIES 20 MARKS.

QUESTION 1

- (a) From time immemorial, crime has been a product of society and the Nigerian society has always had indigenous criminal systems. In the light of the above, briefly discuss the historical account of the development of the Criminal Law in Nigeria.
- (b) State two sources of Criminal Law in Nigeria.

QUESTION 2

On the 4th of June, 2018, Jide Bruno went to the "Beer Parlour" of one Franca Dodun (the estranged wife of Kole Dodun). Upon hearing that Jide was in his estranged wife's "Beer Parlour", Kole went there and asked what Jide was doing there despite several warnings from him to say away. Jide responded that he had taken over Franca. Immediately, Kole pulled out a cutlass and chopped off Jide's hands. Jide died on the way to the hospital. Kole surrendered himself to the Police and is charged before the High Court of Ogun State.

Answer the following questions:

- (a) With the aid of authorities discuss the elements of the defence Kole may set up.
- (b) Will Kole benefit from the defence?
- (c) Assuming the defence is proved, what will be the verdict of the Court?

- (d) State three differences between the Criminal Code and the Penal Code in the defence set up by Kole.

QUESTION 3

- (a) Crimes are what the law says they are, nevertheless what constitutes a crime may also constitute a civil wrong. State three differences between crimes and civil wrongs.
- (b) With the aid of statutory authorities, state on whom lies the burden of proof and what is the standard required in criminal cases.
- (c) Comment on the propriety of charging Ismail Okon, a 10 year old boy (in Ondo State) for the offence of rape.

QUESTION 4

Actus non facit reum nisi mens sit rea is a cardinal principle of Criminal Law. Discuss.

QUESTION 5

On Tuesday, 4th September, 2018, Paul and Mike agree of Paul and Mike.

QUESTION 6

Miss Binta Idoko and Charles Akagum were Secondary School classmates. After their graduation from Secondary School, they both gained admission to study at the same University. They became friends.

On 5th May, 2018, Binta decided to visit Charles in his room. On getting there, Charles gave her a soft drink which she took. After the drink she started feeling unusually amorous and drowsy, she could not resist Charles' advances and Charles had carnal knowledge of her.

When she woke up and realized what had happened, she was extremely unhappy, so she went to the Police Station to report. Charles was arrested and charged for the rape of Binta. After the close of the prosecution's case, Charles in his defence contends that, there was consent because Binta willingly submitted to the act.

- (a) With the aid of appropriate statutory and judicial authorities, comment on the success or otherwise of the defence raised by the Defence Counsel.

- (b) Rape is an offence requiring the prosecution to prove the ingredients of the offence. With the aid of statutory authorities, briefly highlight and explain the basic ingredients of the offence.

QUESTION 7

The offence of Homicide is considered one of the most serious offences against humanity. It is considered to be an act which strikes at the root of life itself and most unnatural.

Even before the existence of the Criminal Code and the Penal Code, under the Customary Criminal Law, the offence was equally viewed with seriousness and those who commit same are severely punished, in fact they are made to face the ultimate penalty, Death Sentence.

However, the killing of a human being could be justified. With the aid of appropriate judicial and statutory authorities, highlight and explain instances where a killing could be justified.