

BOWEN UNIVERSITY, IWO, OSUN STATE
COLLEGE OF LAW
FIRST SEMESTER EXAMINATION 2022/2023 SESSION
CRIMINAL LAW I - PIL 305

INSTRUCTIONS: a. Answer any two questions from Section A and any two questions from Section B.

b. Time allowed: 3 hours.

Section A

1. The Universal Declaration of Human Rights in article 11 provides that: *"No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed."* **Discuss, citing relevant statutory and judicial authorities.**
2. What constitutes corporate crimes and to what extent can a corporation be made criminally liable under Nigerian laws?
3. There does not seem to be any clear difference between the defences of Accident and Mistake under the Criminal Code of Nigeria with the consequence that courts, analysts and even parties in a criminal trial are often confused. **Present a clear analysis of the two defences, bringing out the provision of the law, with appropriate illustrations and judicial authorities.**

Section B

4. Jack Malachy, an Iwo-based taxi driver, was a committed family man who loved his wife, Mrs. Evelyn Malachy. On the 31st day of December, 2022, he rushed back home to pick his taxi-cab spare key. To his chagrin, he met his neighbour, Micholo Benson, beating Mrs. Evelyn Malachy on a trivial allegation. Jack Malachy narrated this domestic experience to a co-driver, Sunday Akaahs, who advised Jack Malachy to take at least three bottles of Don Simon, an alcoholic beverage, in order to "maximally" deal with Micholo Benson. At about 11:30 pm on that fateful day, Jack Malachy came back home drunk. He stabbed Micholo Benson with a shard of a bottle. Some good Samaritans rushed Micholo Benson to the General Hospital, Iwo, Osun State, where no doctor was on duty as a result of a two-day warning strike embarked upon by medical doctors in the state. Helplessly, Micholo Benson died as a result of excessive bleeding. The state is prepared to arraign Jack Malachy on the 28th day of

February, 2023, on a lone-count charge of murder. Jack Malachy, insisting that Sunday Akaahs and the striking doctors were responsible for Micholo Benson's death, intends to rely on the defence of intoxication.

(a) With the aid of relevant statutory and judicial authorities, consider the prospects of Jack Malachy's proposed defence of intoxication.

(b) Examine the strength of his excuse that Sunday Akaahs and the striking medical doctors were the ones who caused Micholo Benson's death.

5. The dichotomy between an act as a form of *actus reus* and an omission as *actus reus* is more difficult to discern than the dichotomy between *actus reus* and *mens rea simpliciter*. **Discuss.**
6. Askari Alasco has, in the last twenty years and even till today, been an insane person at Aleshinloye Market Area of Ibadan, Oyo State, with interspersed lucid periods spanning a minute and twenty seconds. On the 22nd day of November, 2022, he pounced on an innocent passer-by by dragging her on a jagged road and crushing her head with a heavy stone. Upon his immediate arrest, he claimed that even though the dragging was done with his active and informed knowledge, he never knew when exactly he crushed the deceased's head with a heavy stone, which last act killed the deceased. At his trial, he raised the defence of insanity in relation to the act of head crushing. The trial court discharged the accused person on his defence of insanity and ordered him to go home as a free citizen. The court based its decision on four grounds, to wit: 1. The prosecution failed to prove that Askari Alasco was sane; 2. Insanity was not clearly made out as the killing took place between an interval of a lucid period and a short period of mental imbalance; 3. The accused need not establish insanity in any specific ways; and 4. The requirements of the defence of insanity under the Criminal Code are in favour of an accused person, unlike the ones in *MacNaughten* case. The prosecution has appealed against the decision of the trial court. **Consider the prospects or otherwise of the appeal based on the legal issues involved in the case.**