

BOWEN UNIVERSITY, IWO, OSUN STATE
COLLEGE OF LAW
SECOND SEMESTER EXAMINATION 2022/2023 SESSION
CRIMINALLAW II - PIL 306

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 degree of involvement of an accused person in a crime determines whether he will be a principal offender or not"*. **Discuss with the aid of relevant statutory authorities and case laws.**
2. *"When a person attempts to commit an offence it is an offence"*. **How true is this statement?**
3. On what grounds will the accused in the following situations be liable viz-a-viz the requirements of the law on the offence of murder:
 - (a) Gabun arrived home annoyed and threatened to deal with his wife when she arrives because she did not wash his clothes. When the wife got home, there was an argument and the wife ran into the road, with the accused after her with a very violent temper. The wife fell down and died. It was discovered that she had a defected gland which could cause death by fright or physical exertion. The accused has been charged with the murder of his wife.
 - (b) Burunti was stabbed four times by Owiwi, one of which pierced her lungs. Burunti was told in the hospital that she needed a blood transfusion to save her life but she refused on religious grounds and she died. Owiwi has been charged with the murder of Burunti.
 - (c) Janwe stabbed Enujawya in the stomach and few days later he died in the hospital. Medical evidence revealed that Enujawya did not die of the wound which was in fact beginning to heal but of *bronchopneumonia* caused by improper medical treatment. Nevertheless, Janwe has been charged with the murder of Enujawya.
 - (d) Irin poisoned Sangisi who become ill as a result of the poison and would have died in two hours thereafter, but before the two hours expired Oyaya shot Sangisi killing him instantly. Irin and Oyaya have been charged with the murder of Sangisi.

Section B

4. (a). Akin Ajija, a resident of Janduku Area, Owode, Oyo State, concluded arrangements with Sakin Arijayo to rob Chief James Ogudu of his newly bought Toyota Camry car, which he neatly parked in his compound. In execution of the plan and on the 30th day of April, 2017, they besieged the compound of Chief James Ogudu. The Chief struggled with them, but they succeeded in taking the car away while pouring noxious acid on him. The two mates-in-crime were eventually arrested in a beer parlour. On being charged to court for the offences of conspiracy and armed robbery, they contended that they were not armed with any item of firearms or offensive weapons, and that the prosecution could not succeed under the law. Advise

the parties with reference to the ingredients of armed robbery and the appropriate law under which the prosecution should prefer a charge of armed robbery against the two suspects.

- (b). Briefly highlight the areas of convergence and divergence in the offences of stealing, robbery and armed robbery.
5. The Nigeria police force is a key player in the administration of criminal justice in Nigeria. The force is, however, not free from criticisms in the performance of its obligations. Discuss this view in relation to the duties of the police in criminal justice administration in Nigeria.
 6. Dr. Saka Alatika, a lecturer in the Urban and Regional Planning Department of Lagos State University (LASU), collected the sum of fifty thousand naira (#50,000.00) only from Chief Innocent Godwin on the 30th day of April, 2017, for the purpose of securing admission for Chief Innocent Godwin's son in the Faculty of Law, University of Lagos (UNILAG). Dr. Alatika told Chief Godwin that the Dean of the Faculty of Law, University of Lagos was his school mate at the National University of Singapore many years ago during which they became very close. Chief Innocent Godwin's son could not eventually get admitted to the University of Lagos. When Dr. Saka Alatika perceived that Chief Innocent Godwin was going to get him arrested for renegeing on his promise, he quickly resigned from the Lagos State University and joined a staunch opposition political party in Abuja. On the 30th day of August, 2017, he published an article in *The Nation* wherein he described President Muhammadu Jonathan as a "rascally, merciless, wasteful and intolerable leader, who deserves to be 'swept out' of the Aso Rock". The publication led to a nation-wide protest the following day, during which Dr. Saka Alatika and many supporters of the opposition party attacked and molested President Muhammadu Jonathan at the Nnamdi Azikwe International Airport, Abuja. The Lagos Government is prepared to charge Dr. Saka Alatika to court. Also, the Attorney General of the Federation is contemplating charging Dr. Saka Alatika to court. Advise the two governments on the appropriate charges to be filed against Dr. Saka Alatika, pointing out the ingredients of the charges which the prosecutorial bodies must prove.