

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 31<sup>st</sup> 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 28<sup>th</sup> day of