

BOWEN UNIVERSITY, IWO, OSUN STATE

COLLEGE OF LAW

FIRST SEMESTER EXAMINATION 2021/2022 SESSION

CRIMINAL LAW I - PIL 305

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

Time allowed: 3 hours: **Each question carries 17^{1/2} Marks**

LOGICAL AND GRAMMATICALLY CORRECT PRESENTATION OF ANSWERS ARE IMPORTANT

Section A

1. The historical evolution and development of the Nigerian criminal law is incomplete without reference to Nigeria's colonial experience. **Discuss** the above statement with particular focus on the dual codes regulating crime in Nigeria.
2. Ologundudu hired labourers to destroy cement blocks he found on a land he validly bought about 5 years ago. The cement blocks turned out to be the property of Abubakri who is also laying claim to the piece of land in question. Eventually, it turned out that Abubakri had placed the blocks on the land the title to which Ologundudu honestly thought he had valid claim to. Ologundudu has been charged for the malicious destruction of the blocks belonging to Abubakri. **As a criminal lawyer advise Ologundudu on any defence he has whatsoever citing relevant statutory and judicial authorities.**
3. Dipeolu who was accused of committing rape was tried and convicted by the High Court of Kangaroo State, a State in the Southern part of Nigeria and sentenced to death by Hanging. The Criminal Code Act states that the punishment for the offence of rape is 14 years imprisonment. Dipeolu intends to appeal to the Court of Appeal on the grounds of the excessive punishment and he has engaged your service as a criminal lawyer. **Advise him on the success of the appeal citing relevant judicial and statutory authorities.**

Section B

4. 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, 2018, 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.**

Air Peace Airline Ltd. is an indigenous air carrier in Nigeria with a fleet of nine aged aircraft. The air carrier had been "fortunate" in its domestic flights between the 1st day of December, 2017 and the 23rd day of December, 2017, due to the "December Rush". Unfortunately, on the 24th day of December, 2017, one of its aircraft that had been due for the C-Check, a critical aircraft maintenance check, was involved in a fatal crash due to the unsafe state of the aircraft. The Federal Government of Nigeria has swiftly charged the airline to court for manslaughter. Miss Debby Hazzan, a three-year old post-call in-house counsel to Air Peace Airline Ltd. is confused as to whether an omission can ground criminal liability. **Advise her.**

6. The National Judicial Institute, Abuja, is organizing a one-day workshop for some newly appointed Magistrates and Judges all over Nigeria. The focus of the workshop is a deliberation on the aims of criminal punishment and principles of sentencing as contained in the Administration of Criminal Justice Act, 2015. You have been invited by the Institute for a presentation on the theme of the workshop. With the aid of relevant provisions of the Act and applicable judicial decisions, canvass your viewpoint.
7. (a) Briefly discuss the difference(s) between the *actus reus* and the *mens rea* of an offence, highlighting the various forms *mens rea* can take in criminal law.

(b) Voluntariness of conduct in criminal liability is only applicable in substantive criminal law. Do you agree?