



NATIONAL OPEN UNIVERSITY OF NIGERIA
UNIVERSITY VILLAGE, PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE
EXPRESSWAY, JABI, ABUJA
FACULTY OF LAW

DEPARTMENT OF PUBLIC LAW
2021_1 EXAMINATION QUESTIONS
JUNE, 2021_1 ...

COURSE CODE: LAW 445

COURSE TITL: EVIDENCE 1

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE)
QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

- 1a. There are many definitions of Evidence. What is essential is that it comprises testimonies and tangibles that are concerned with the proof or disprove of the existence of a supposed fact. Discuss.
- 1b. Colonel Peterside is an officer of the Nigerian Army. He is involved in the fight against terrorism and insurgency. During an operation against terrorism Colonel Peterside mistakenly ordered the killing of innocent civilians. The army has decided to charge him for acting outside the rules of engagement before a field general court-martial. The field general court martial has decided that the Evidence Act 2011 will not be used in the proceedings while Colonel Peterside insists that the Act should regulate the proceedings. Discuss. 25 Marks
2. Discuss the sources of the Nigerian Law of Evidence and determine whether the present law is full and complete. 15 Marks
3. John is the owner of a Toyota land cruiser which he bought some three years ago. John subsequently declared that he has donated the toyota land cruiser to Peter. John made a will wherein he made Silas one of his executors. John subsequently died. Silas has refused to hand over the land cruiser to Peter and Peter commenced an action in court contending that the car was his. Discuss. 15 Marks
4. CTC is an incorporated religious organization. It intends to register Mr Bernard as one of the trustees of the organization and has applied to the CAC for such registration. As a result of a publication made in the newspaper objections were made against the registration of Bernard as a trustee of the CTC. The CAC refused to register Bernard as a

trustee. CTC commenced action against the CAC for the refusal to register the trustee. In its judgment the trial court relied on the Companies and Allied Matters Act, Laws of the Federation of Nigeria, 1990. This is despite the fact that the CTC relied on the Company Allied Matters Act, Laws of the Federation of Nigeria, 2004 and the CTC has appealed to the Court of Appeal against the judgment. Discuss. 15 Marks

- 5, It is settled that for certain facts to constitute *res gestae*, the facts must have occurred contrapreneously. However, this condition seems to have been eliminated with respect to the Nigerian law of Evidence. Discuss. 15 Marks

6. Charles was seen by Peter drop a blood stained machete near a murder scene. Charles tried to disguise himself and on his way home he was accosted by some locals, who conducted a search on him but did not find any evidence of a crime. After two days, Peter made a statement at the Police station regarding what he saw. Charles was subsequently arrested and a search of his house did not reveal anything implicating. However, Peter took the Police to the crime scene and a search of the crime scene revealed a blood stained machete and forensic evidence revealed Charles finger prints was on the machete. Charles still maintains his innocence. Discuss. 15 Marks