



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW, DEPARTMENT OF PUBLIC LAW
Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja
2022_1 POP Examination ...

COURSE CODE: PUL342

COURSE TITLE: CRIMINAL LAW II

CREDIT UNITS: 4

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHERS ARE 15 MARKS EACH.

- 1.(a) Davis intends to purchase a ticket to travel from Abuja to Port Harcourt through PZ lines. Johnson, claiming to be the manager of AZ lines obtained Ten Thousand Naira from Davis promising to purchase the ticket. Johnson failed to procure the ticket and cannot be found to return the money. Advise Davis as to the offence committed by Johnson and state the punishment for the offence. State the reasons for your answer with the aid of authority. 13marks
- (b) Bayo was charged for the offence of perjury, having falsely stated during the proceedings trying him for the offence of stealing, that he has one wife whereas he has three wives. Advise the prosecution with the aid of authority on whether the alleged false testimony is material to Bayo's trial for stealing and the likelihood of him being successfully prosecuted for the offense of perjury. 12marks
2. The reality is that an accused person loses his liberty in the criminal justice system because of the need to prevent crime, protect victims and the society. Regardless of the crime committed, the suspect's constitutional rights still remain intact. With the aid of authorities, explain five (5) of these rights. 15marks
3. Ade, Wale, and Tunde were holding meeting in the house of Mr. Benson with intent to go to ABC Bank in Victoria Island to rob. Police got wind of the meeting and swooped on and arrested them. They were subsequently charged for the offence of unlawful assembly. Advise as to the appropriateness of the charge. 15marks
4. Otunba Festus Ojo gave the sum of Two million naira to Mr. Friday to keep for him. Mr. Friday however used the money to pay his children's school fees and was unable to return the

money upon demand by Otunba Ojo. Advice Otunba Ojo as to the possible legal action he can institute against Friday and why? 15marks

5. Do you believe that capital punishment should continue to remain a viable option for especially heinous crimes? State your reasons. 15marks
6. In *Samuel v Joseph*, the court gave a decision in favour of Samuel in an action in which Samuel was an officer of the Government. Thomas, counsel to Joseph published an article captioned, "The Danger of the judicial system in Nigeria", referring to the decision of the court. He also alleged that judges of the court are under the subjection of the executive and will not dare give a decision unfavourable to the Government and that their decision will always be compatible with the wishes of the Executive. Comment on the conduct of the counsel and likely charges that can be proffered against him and why? 15marks