



NATIONAL OPEN UNIVERSITY OF NIGERIA
Plot 91, Cadastral Zone Nnamdi Azikiwe Expressway, Jabi, Abuja; Nigeria

FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW

2024 1 EXAMINATION

COURSE CODE: PUL341

COURSE TITLE: CRIMINAL LAW I

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) Cap 42, section 308 of the Criminal Code Act states that, "... any person who causes the death of another, directly or indirectly, by any means whatever, is deemed to have killed that other person.". Discuss with reference to decided cases the circumstances under which the above is possible. **15Marks**
- (b) "When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose, an offence is committed of such a nature that its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence." (Section 8 of the Criminal Code). Discuss the provision above with the aid of decided cases. **10Marks**
2. "Crime is what society says is crime by establishing that an act is a violation of the criminal law. Without law there can be no crime at all.....It is difficult to argue that crime can exist at all beyond the confines of laws simply because moral sentiments have been offended". Comment on the above giving reasons for your answer. **15Marks**
3. Ben and Rufi, being the Local Government Chairman aspirants of the just concluded elections of the "All Progressive Group" party in Kabatu, in an attempt to prevent a campaign in their area by the "People Political Party" led by Ajala, agreed between themselves to steal certain electronic ballot papers and election materials from the election ground of People Political Party. For this purpose, they smashed the strong room of the INEC office to steal the People Political Party ballot papers, went inside, and took away the election papers. As they (Ben and Rufi) were running away, Smart and Koku, driver and Campaign Agent respectively of People Political Party, sighted them. Smart and Koku caught up with Ben and Rufi (the thieves) as they were about leaving the strong room, whereupon, Bimbo, the Campaign Agent of Peoples Political Party, stabbed Ben and Rufi, causing them grievous harm.

Consider the criminal liabilities, including the defenses (if any) of Bimbo, Ben, Rufi and Smart respectively. **(15 marks)**

4. Marvel was watching a live match on Television between two local clubsides, when the commentator announced that there was overcrowding at the stadium, causing some spectators to slump and die. Marvel's only son, Anthony, had gone to watch the match. Marvel rushed to the stadium hospital, where he was told that his son died an hour ago and was allowed to see his son's body. He then broke down, suffered organic depression and a personality change.

Marvel wishes to sue the organizers of the match, Funny Football Association for damages for the death of his son and his (Marvel's) illness. Advise him. **15 marks**

5. Ajibo, a competent motor driver who had not slept for days, received a phone call that his wife had a motor accident and had been taken to the Teaching Hospital where the doctors needed his signature urgently on a paper authorizing them to perform an emergency operation on her. He got into his car at Ikoyi and started driving it towards the mainland, he fell asleep and ran into some people at the bus-stop thereby killing three passengers who were standing at the bus stop. Consider his Criminal liability stating reasons for your answer with authorities. **15Marks**
6. ".....if at the time of death, the original wound is still on operating cause and a substantial cause, then the death can properly be said to be the result of the wound. (But) if it can be said that the original wounding is merely the setting in which another cause operates, can it be said that the death does not result from the wound." (Lord Parker.O.J in R.V.Smith (1959) 2 ALL E.R.193 at p.198. Discuss this dictum with reference to decided cases in relation to causation in homicide cases. **15Marks**