THE OFFENCE OF RECEIVING STOLEN PROPERTY

Posted on May 4, 2016June 21, 2016 Written By Olanrewaju Olamide Posted in Nigerian Criminal LawTagged offences against property

The law doesnâ€™t just frown on the offence of stealing, it is also clearly against the offering of aid to a person who steals. One of the ways that the law deals with the act of aiding a thief is by the criminalisation of the act of receiving stolen property. The offence of receiving stolen property is contained in **S.427** of the **Criminal Code** and **S.316** of the **Penal Code**.

In proving the offence receiving stolen property, it is sufficient to prove that the accused received the goods in question knowing them to be stolen. Also, even if the accused is not in actual possession of the goods, if he has control over those in possession or he helps in concealing the goods, he is liable for the offence of receiving stolen property.

In *R vs. Osakwe**[1]* A, B and C stole a car. X agreed to get them a dealer if the car was in good condition. One of the thieves went to bring the car. As at the time the car arrived, the police got to the scene. The car was in Xâ€™s compound while the thieves were also there. The court held that X was not guilty of receiving stolen property because the goods were neither in his possession nor had he **already** aided in its concealment.

In order to prove the knowledge of the accused, the circumstances of the case and a reasonable manâ€™s test would be used. If according to the circumstances of the case, a reasonable man ought to have suspected that the goods have been stolen, it is enough to prove the knowledge of the accused.

In the case of *R vs. Adebowale**[2]* stolen gin was sold at 10 percent below its market value. Also, they were delivered in kerosene containers instead of the normal gin container. It was held that the above situations could be considered as unreasonable circumstances to warrant suspicion of stolen property. See also: *R vs. Braimah**[3]*

Also, according to the provision of **S.36** of the **Â Evidence Act**(())Â the following are adequate in order to prove the knowledge of the accused in the offence of receiving stolen property:

- If any other property, stolen within a period of 12 months before he was charged, was found in his possession.
- If he has been convicted for fraud or dishonesty within a period of five years prior to his present case.

There is also something called the doctrine of recent possession in proving the offence of receiving stolen property. This is contained in **S.167 (a)** of the Evidence Act. According to this provision, if soon after a particular property has been stolen, they were found in another personâ€™s possession, such person would either be assumed to be the thief or to have received stolen property. However, this would not apply if the person involved can give a reasonable explanation for the state of affairs.

Thus, in the case of *R vs. Iyakwe**[4]*, it was held that being in possession of shoes stolen five months previously was enough to establish that the accused received stolen property. See also: ***Martins vs. The State**[5]*.

Finally, it should be noted that where the stolen property was converted to another state, the person who receives the converted goods would not be held to have received stolen property[6].

Refrences

[1] [1963] 1 All NLR 362

[2] (1941) 7 WACA 142

[3] (1943) 9 WACA 197

[4] ***Â*** 1944 WACA

[5] 1997 vol 1 NWLR pt 48

[6] Dr Mrs. Abdulraheem Mustapha, Lecture Notes on Nigeria Criminal Law, Faculty of Law, University of Ilorin