

Classification of Crime

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Offences are classified for the purpose of trial and punishment. They are also classified according to their nature in order to determine the gravity of the offence.

For the purpose of trial, offences are classified into indictable and non-indictable offences. according to the provision of **s.494 of the Administration of Criminal Justice Act 2015 (ACJA)**, an indictable offence is one that is punishable by an imprisonment of more than two years or a fine exceeding forty thousand naira. It is also not punishable on summary conviction. From this, it follows that a non-indictable offence is one that is punishable with imprisonment of less than two years, a fine less than forty thousand naira and is punished by summary conviction.

For the purpose of punishment, offences are classified into felony, misdemeanor and simple offences.

Felony, misdemeanor and simple offences have been defined by **s.3 of the Criminal Code**. It provides that:

A felony is an offence which is declared by the law to be so and has punishment, without proof of previous conviction, ranging from three years to the death penalty.

Misdemeanor offences are those that have been described by the law to be a misdemeanor and are punishable by imprisonment ranging from less than 3 years to more than 6 months.

Simple offences are those offences other than felony and misdemeanor. They are often punished with an imprisonment of less than 6 months.

It should be noted that in felony bail application is not ordinarily granted . In Misdemeanour, bail is granted at the discretion of the judge while in simple offences, bail is normally granted except if the court feels otherwise.

In order to arrest someone for a felony, a warrant of arrest should be provided. However, if the crime is committed in the presence of the officer, there is no need for a warrant.

SOURCES

1. Lecture delivered by Dr Mrs. M.A. Abdulraheem Mustapha, Faculty of Law, University of Ilorin.
2. Okonkwo and Naish: Criminal Law in Nigeria
3. Administration of Criminal Justice Act

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