

***ADEMAYELOYE ADEAYO ADELEKE (LEAVING LEGACY BEHIND)***

**THE NIGERIAN LAW SCHOOL BAR PART II FINAL EXAMINATION**

**MULTIPLE CHOICE QUESTIONS**

**AUGUST, 2020 1 HOUR**

**INSTRUCTIONS:**

**CANDIDATES ARE TO ANSWER ALL QUESTIONS:**

**ALL ANSWERS MUST BE ON THE PROVIDED ANSWER SHEETS.**

**THE QUESTION PAPER MUST NOT BE RETAINED BY CANDIDATE.**

**IT MUST BE PLACED UNDER THE ANSWER SHEET BEFORE  
LEAVING THE EXAMINATION HALL**

**CRIMINAL LITIGATION**

Mrs Getty Ali was charged before the High Court of the Federal Capital Territory Abuja for Culpable Homicide punishable with death, but the charge did not state the Section of the Law contravened. After the charge Was read to her, she pleaded not guilty. At the conclusion of trial, she was convicted and sentenced to death by lethal injection She was six (6) months pregnant at the time she was sentenced. she has appealed against conviction and sentence and has applied for bail pending appeal.

Using the above scenario, answer questions (1-5).

(1) What rule of drafting charges has the charge against Mrs Getty Ali contravened?

- (a) Rule against duplicity.
- (b) Rule against Misjoinder of Offenders
- (c) Rule against misjoinder of offences
- (d) Rule against ambiguity

(2) The complainant in this case will be:

- (a) The State
- (b) Commissioner of Police
- (c) Federal Republic of Nigeria
- (d) Federal Government of Nigeria

(3) The implication of the plea of the defendant is that:

- (a) She is deemed to have put herself upon her trial.
- (b) She can proceed to prove her innocence
- (c) She is resting her case on that of the Prosecution.
- (c) She is making a No Case Submission.

(4) The appropriate sentence in this case should have been:

- (a) Life imprisonment.
- (b) Remanded in custody until the pleasure of the President is known.
- (c) Death by hanging after delivery
- (d) Death by hanging on by lethal injection after her child is born and weaned.

(5) Her application for bail pending appeal should be by:

- (a) Motion Exparte
- (b) Summons
- (c) Originating Motion
- (d) Motion on Notice

Jerry Musa was arraigned before a Magistrate Court Lafia in Nasarawa State on a one count charge as follows:

"Jerry Musa on the 1 day of January, 2019 at No. 10 Abuja Road Lafia Nasarawa in the Lafia Magisterial District stabbed Mallam Bitrus Kolo and also assaulted Miss Binta Koo and thereby committed an offence punishable under sections of the Penal Code law of Nasarawa State."

Using the above scenario, answer questions 6-10.

(6) Who is to draft the charge?

- (a) Police Officer
- (b) Justice of the Peace
- (c) Magistrate
- (d) Attorney-General of the State

(7) The above charge is drafted where an accused person brought to court by:

- (a) information
- (b) First Information Report (FIR)

(c) Summons

(d) Charge

(8) Assuming the accused person was convicted, how many days does he have to appeal against his conviction?

(a) 60 days

(b) days

(c) 30 days

(d) 120 days

(9) If the accused person was convicted and sentenced to caning how many days does he have to appeal against his conviction and sentence?

(a) 15 days

(b) 5 days

(c) 60 days

(d) 35 days

(10) Who can appeal against the judgment of the court in this matter?

(a) Mallam Bitrus Kolo and Binta Kolo

(b) Jerry Musa or Prosecutor

(c) The Magistrate

(d) None of the above

Mohammed Kurata who was brought to the Chief Magistrate Court, Normansland, Kano for the offence of Armed Robbery pleaded not guilty to the F.I.R when it was read to him. Counsel to the accused thereafter applied for his bail which was refused by the learned trial Chief Magistrate. The Chief Magistrate ruled that the

accused should apply to the High Court for bail because the Magistrate has no jurisdiction to try the matter.

Now based on the above scenario, answer the following questions: (11-20).

(11) To make application for his bail at the High Court, Mohammed should use:

- (a) Motion on Notice
- (b) Summons to Admit to bail
- (c) Either (a) or (b) above,
- (d) Originating summons

(12) In this scenario, the application for bail of Kurata shall be filed at:

- (a) The registry at the Chief Magistrate Normansland
- (b) The Registry of the State High Court
- (c) Process Registry at the State High Court.
- (d) Any of the above

(13) Kurata's application for bail shall be supported all except:

- (a) An affidavit of facts.
- (b) An affidavit of the facts relied upon and exhibits.
- (c) An affidavit of material facts and record of proceedings of the lower Court.
- (d) An affidavit of material facts, record of the Lower Court and an address.

(14) When Kurata is granted bail, he shall fulfil the bail conditions at:

- (a) The Judge's Chambers.
- (b) The office of the prison superintendent.

(e) The office of the registrar of the High Court

(d) All of the above

(15) In considering the bail application of Kurata, the High Court shall consider all but one of the following factors:

(a) Nature of the offence.

(b) Prevalence of the offence.

(c) Nature of evidence against the accused.

(d) Availability of sureties

(16) Assuming that the State High Court refused Kurata's application for bail; he should:

(a) Appeal to the Court of Appeal

(b) Make another application.

(c) None of the above.

(d) Any of the above.

(17) Assuming that Kurata's application in this scenario is granted on onerous conditions. Kurata should do any of the following:

(a) Apply to the Court of Appeal for review.

(b) Apply to the High Court for review

(c) Appeal to the Court of Appeal

(d) Any of the above

At the trial of Rabiū Beraye for the offence of unlawful possession of Indian Hemp at the Federal High Court, Kano, the defendant pleaded guilty as charged. He urged the court to temper justice with mercy.

From the above scenario answer the following questions:

(18) Upon the plea of guilty of the defendant, the trial court should:

- (a) Record his plea and convict him
- (6) Call on the prosecution to prove its Case
- (c) Call on the prosecution to present expert evidence.
- (d) A and C above.

(19) On production before the Federal Hligh Court for trial the defendant should be placed:

- (a) In the dock
- (b) The witness box.
- (c) In the court detention room.
- (a) Ether C or D above.

(20) Upon conviction, the defendant in the above scenario shall be:

- (a) Immediately remanded in prison custody
- (b) Allowed to make allocutus
- (e) Sentenced to a term of imprisonment or fined.
- (d) All of the above