



NATIONAL OPEN UNIVERSITY OF NIGERIA
UNIVERSITY VILLAGE, PLOT 91, NNAMDI AZIKWE EXPRESSWAY,
JABI, ABUJA
FACULTY OF LAW
JULY 2017_1 SEMESTER EXAMINATION

Course Code: LAW 341
Course Title: CRIMINAL LAW 1
Course unit: 4 UNITS
Time Allowed: 2½ HOURS
Instruction: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

1. Determine the extent of criminal liability if any committed in the following with authorities:

- (i) Favour had been the mistress of Charles for two years before the relationship stopped. Charles entered into another relationship with Victoria. Favour found out and was very upset. She drove to Victoria's house and set fire to it at about 2.30am by pouring petrol through the letter box and setting it alight. As a result Victoria lost two of her children. Favour says she did not intend grievous harm.
- (ii) Bisi and Ronke who have been close friends for years recently had a quarrel over a boy they both love resulting in a serious fight on their way to the supermarket. Constable Victor was on duty around the area and attempted separating the fight. His face was seriously scratched with Bisi's nails resulting in bleeding.
- (iii) Efe and Ivie live in the same compound. Both have been having issues leading to Efe punching Ivie twice on the face while she was holding her three months old baby, causing her to drop the baby. The baby hit her head on the floor and died. Efe argues that she did not touch the baby and cannot be blamed.

2a. "The criminal quality of an act cannot be discerned by intuition; nor can it be discovered by reference to any standard one: Is the act prohibited by penal consequences?" (Lord Atkins in *Proprietary Articles Trade Association v Attorney General for Canada*). In line with the above explain four characteristics of crime.

2b. With the aid of authority, explain the latin maxim *actus non facit, nisi mens rea*.

3. Timothy has been living with Jacob for the past ten years as friends. Recently they had visitors in the house from afar. Timothy came back from work and was very upset. He refused to confide in anyone. At night the same day, the visitors were awakened by the shout of Jacob as Timothy was inflicting machete cuts on him. Timothy was heard shouting "my father, I have killed somebody for you today". Alarm was raised and people gathered and tied Timothy's hands and feet. The matter

was reported to the police. According to the Chief Warder of the prison, the appellant was abnormal on the 18th January, 2010 after his arrest. A police officer also testified that he gave contradicting evidence. Timothy claimed that after the incident, he did not know himself and that the spirit told him to do so.

Determine the Criminal liability of Timothy and the possible defence available to him.

4. Adam and Chris have been business associates for many years. They traded in foreign exchange. In one of Adam's trips to Benin, Chris offered to lift him to Benin midway into the journey, they both stopped at Mama Janet's Beer Parlour and took some bottles and ate some food. Further into the journey, Chris inflicted several injuries on Adam with a motor jack and a penknife. A struggle ensued between them and Chris pushed Adam out of the car. He later died from the injuries sustained. Chris raised the defence of insanity caused by intoxication provided by S. 29(2) of the Criminal Code. Advise him.

5. Write short notes on the following:

- (a) Bona-fide claim of right
 - (b) Self defence
 - (c) Necessity
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- 6a. Mere presence is not enough. A person must be purposely facilitating or aiding the commission of a crime by his presence before he can be regarded as a party to the offence. Discuss with the aid of statutory provisions and judicial decision.
 - 6b. Wale and Dayo agreed to steal from Ema bank in Ikeja. Unknown to Wale, Dayo had a gun in his pocket. During the operation at the bank, Dayo shot and killed Victor and James. Wale while in another room trying to cart away as much as he could saw Rita, the beautiful cleaner and raped her.

Discuss with the aid of statutory and judicial authorities, the liability of Wale and Dayo.