



**NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS
WAY, JABI - ABUJA**

**FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW (JIL)**

OCTOBER/NOVEMBER EXAMINATION 2016

COURSE CODE: LAW 341 (PUL 341)

COURSE TITLE: CRIMINAL LAW I

CREDIT UNIT: 4

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.

QUESTION ONE IS COMPULSORY

QUESTIONS

1. a) Baddo was moving from his 10th story flat to a small house. The new occupiers had asked Baddo to ensure that all his furniture was removed from the flat. Baddo had a very heavy solid oak wardrobe that he could not get down the stairs and the lift was out of order. Baddo looked over the balcony and noticed a group of about 30 teenagers hanging about directly under Baddo's balcony. Baddo considered that he might cause serious harm but as he did not think that anyone would realize where the wardrobe had come from and he was so desperate to get rid of the wardrobe that he decided to push the wardrobe over the balcony. The wardrobe hit one of the teenagers who died later in the hospital from injuries he sustained. Baddo is charged with murder.

Discuss both the Actus Reus and Mens Rea of the offence and conclude as to whether Baddo is guilty of the offence.

Support your answers with both statutory and case law authorities. 15 Marks

- b) Discuss and analyse corporate liability in criminal law. 10 marks

2. In July 2015, Moody attended a party which began at 5.00 p.m. in the evening and continued until 2.30 p.m. the following morning. During that time he and his friends

were drinking alcohol continuously. He arrived home at about 3.00 a.m. in the morning, heavily drunk. He decided to go to bed immediately, but as he was about to do so, he heard a noise outside his house. He went out and saw two teenage boys trying to get into his car. He asked them what they were doing. They replied that they were “only messing around” and walked off. Moody ran back into the kitchen, got a sharp carving knife and ran after the boys. He caught up with one of them, stabbed him several times with the knife and within ten minutes, the boy was dead as a result of the stab wounds.

Moody has now been charged with murder. He claims that if he had been sober he would never have considered attacking the boy. Advise him of any defense available to him, referring to appropriate legal authorities. (15 Marks)

3. Chief Owonikoko is a very wealthy man who owns a flourishing chain of shopping malls in a highbrow area of Lagos. He usually attracts attention because of his wealth and those who are raising funds for various projects normally come to him for funds donation. Bengy, Tommy Fanny and Jayjay are unemployed youths who live in the town with Chief Owonikoko. These youths are no good as they often engage in petty crimes and make trouble with innocent passersby in their local area. These youths have always wondered how they can make much money as Chief Owonikoko. On the 23rd of December 2015, Tommy visited Bengy and lamented that he was broke and raised the idea of making quick money by kidnapping Chief Owonikoko since it has been discovered that it is a very easy way to make money from the big and mighty in the society. Tommy thought it was a good idea and promised to discuss the issue with Fanny and Jayjay which he did and they agreed to meet with Benjamin so as to finalize the operation. On the day of their meeting, it was agreed that Fanny and Jayjay should carry out surveillance on the compound of Chief Owonikoko to find out his movement and itinerary and both did so accordingly. Fanny and Jayjay latter contacted Aboki, the security man in the premises of Chief Owonikoko who willing provided the necessary information upon being promised the sum of ₦1m if the kidnap operation succeeds. Based on the vital information supplied by Aboki, Fanny and Jayjay, Chief Owonikoko was kidnapped on his way to a religious service. On that day Tommy fired several gun shots into the air, to scare away those who would ordinarily have prevented the kidnapping operation, grabbed Chief Owonikoko, and threw him into the boot of the vehicle while Benjamin drove off the vehicle. The kidnappers are demanding a ransom of ₦500m before Chief Owonikoko could be released. However, Chief Owonikoko was released by an operation carried out by special Police Force before the ransom could be paid. Bengy, Jayjay, Fanny, Tom and Aboki were charged to court for kidnapping Chief Owonikoko. Aboki denied and contended that he just gave the group information about the movement of Chief Owonikoko and did not actually kidnap him. Fanny and Jayjay also argued that they

only carried out monitoring activities which is different from actual kidnap of Chief Owonikoko. Discuss the legal issues in the case. (15marks)

4. With relevant case law analyse the effectiveness of accident as a defence in a criminal trial. (15marks)
5. Bob Swagger is employed by a soft drink bottling company as a driver. On the 2nd of February, 2016 he was requested to supply soft drinks to a major customer of the company somewhere in Mushin, a suburb of Lagos. Mushin is a high density area of Lagos. When Bob Swagger arrived Mushin, many school children were playing on the street. Bob Swagger drove the truck at a great speed so that he could carry out the supply and have enough time to watch a football match of a foreign league. On the street, a child wanted to pick the ball with which he was playing with his mates and was instantly crushed by the truck driven by Bob Swagger. Bob Swagger has been charged to court for the death of the child. Discuss the legal issues in the case. (15 Marks)
6. Define Homicide and distinguish justified/excusable homicide and criminal homicide. Support your answers with statutory provisions and case law. (15 Marks).