



NATIONAL OPEN UNIVERSITY OF NIGERIA
UNIVERSITY VILLAGE, PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE
EXPRESSWAY, JABI, ABUJA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2020_2 EXAMINATION™

COURSE CODE: PUL 446

COURSE TITL: EVIDENCE 1

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

1. One Charles was killed by unknown assailants. The matter was reported to the police. The police in the course of the investigation arrested several members of the community. They were detained at the police station for about six months. One day a Police officer informed the detainees that they should confess of the offence so that those who are innocent may be released. Chief Koro informed the Police that he was responsible for the murder. Chief Koro has been charged with the murder of Charles and the prosecution intends to tender the statement made by Chief Koro admitting committing the offence. The court intends to admit such statement in evidence. Discuss. 25 Marks
2. Judges rules lack the power of coercion associated with rules and yet they are important in the administration of justice in our courts. Discuss. 15 marks
3. John, Peter and Paul went to steal from a factory in the town they live. After the operation the stolen goods were shared equally amongst them. They were subsequently arrested by the Police. However, instead of charging all the suspects with the offence of stealing, the prosecutor only charged John and Paul with the offence of stealing. The prosecutor called Peter as a witness and the court convicted John and Paul on the evidence adduced by Peter. Discuss. 15 Marks
4. “Hearsay means a statement oral or written made otherwise than by a witness in a proceeding; or contained or recorded in a book, document or any record whatever, proof of which is not admissible under any provision of this Act, which is tendered in evidence for the purpose of proving the truth of the matter stated in it.” Section 37 Evidence Act, 2011. Discuss. 15 Marks

5. “Similar fact evidence has a reputation for being an impenetrable subject. Quite often, students who have coped well with other parts of an evidence course reach the examination still feeling that they don’t know what it is about or how it works.” Allen, Sourcebook on Evidence. Discuss. 15 Marks
6. “All persons shall be competent to testify, unless the court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by reason of tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.” Section 175(1) Evidence Act, 2011. Discuss. 15 Marks.