



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

**FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW (PUL)
OCTOBER/NOVEMBER EXAMINATION 2016**

**COURSE CODE: LAW 342 (PUL 342)
COURSE TITLE: CRIMINAL LAW II
CREDIT UNIT: 4
TIME ALLOWED: 2 ½ HOURS
INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.
QUESTION ONE IS COMPULSORY**

QUESTION

1. Analyze and discuss the legal issues in the following scenarios: (25 Marks)

a) Alhaji Mugun is the Managing Director of Nigal Petroleum Corporation, a state owned corporation. On the 6th of June, 2016 Mr. Smart came to Alhaji Mugun's office and introduced himself as beneficiary of a ₦500 million estate left for him by his late father who was a business tycoon. He told Alhaji Mugun that he only need ₦10 million to process letter of administration pertaining to his late father's estate. He urged Alhaji Mugun to give him the said ₦10 million with a promise that Alhaji Mugun will take half of ₦500 million estate after processing the letter of administration. Alhaji Mugun happily gave Smart the sum ₦10 million. It turned out that Smart Bongo's story was not true and he has disappeared with the ₦10m.

b) Julius Loser dated Vickie Player for three years. On March 30, 2015 which was Vickie's birthday, Julius gave her a Microsoft Surface Pro 5. On March 31, Julius proposed to Vickie and gave her a valuable gold ring worth ₦1m. On April 1, 2015 Vickie sent Julius a letter that read:

Dear Julius,

I have met someone new. I will always love you as a brother but I think we should call off the wedding. Wish you the best always.

Julius tried to persuade her to change her mind to no avail, When she refused he asked her to return the Microsoft Surface Pro 5 and the gold ring. Vickie responded that 'they are mine', and warned Julius never to contact her again. Julius knew that Vickie usually removed all trinkets before sleeping, and he decided to sneak into her house to get the ring. One night he waited outside Vickie's house until the bathroom light was on; he then forced open the door and went into her bedroom and began to look for the ring, but could not find it. He however found the Microsoft Surface Pro 5 and a box of trinkets and an

envelope containing money. He quickly packed all these items inside the rucksack he was carrying and jumped out of the window.

2. In Tango State, a general election was held sometime in March, 2015 which was widely believed to have been rigged by the ruling party. When the Gubernatorial election result was released, some of the youths and supporters of an opposition candidate refused the outcome of the election and vowed to ensure that the election was cancelled. On the 28th of March, about 50 of the youths and supporters of the opposition candidate gathered at the public square at the state capital and began to shout on top of their voices asking the government to cancel the election. This attracted other supporters of the opposition candidate who equally joined in the loud noise making which caused considerable apprehension amongst other members of the society. They called the opposition candidates and their supporters unprintable names. After a period of time, some of the crowd prepared banners which contain inscriptions condemning the ruling party, the Electoral Commission and other groups that did not support the opposition candidate. After preparing the banner, they began to march on the streets on the capital city with loud drums. This latter group latter brought in arms and blocked a major highway in the state capital. The police soon arrived at the scene and asked the people so gathered to disperse but they refused to do so.

Discuss the legal issues raised in the matter. (15 Marks)

3. The offences of corruption by public officers cover acts such as bribery and extortion. Although the two offences are forms of corruption there is however notable differences between the two- *Abu Osidola v. Commissioner of Police [1958] N.R.N.L.R.*

Highlight and discuss the above quotation with the aid of decided cases and statutory authorities. (15 Marks)

4. On 23rd of April 2016, Mr. Joshua and his wife set out in their Toyota Hilux van, to the popular Wholesale market at the Lagos Island. As they approached the Lagos Apapa Express road, they noticed a road block in the middle of the road, this forced them to slow down thinking it was a police road block. As they stopped the car, three hefty and stern looking men, armed with guns appeared and demanded that Joshua and his wife should release all the money and other valuables they had in their possession. While one of them aimed the gun at Mr. Joshua, the other two men took from his wife her jewelleries, mobile phone and other valuables they found in her handbag. They made their escape on a motorbike. Other vehicles that passed by while Mr. Joshua was being robbed called the Police hotline, the Police Rapid Respond Unit who were stationed at Mile 1 gave the men a hot chase. They were arrested and charged to court.

Discuss the legal issues; support your answers with legal authorities. (15 marks)

5. Evaluate the Corrupt Practices and Other Related Offences Act 2000 (ICPC) and consider the impact of the Act in anti-corruption effort in Nigeria. (15 Marks)
6. Critically analyze with relevant case law the Law of Sedition and the defences available to an accused under the law of sedition. (15 Marks)