



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2020_2 EXAMINATION

COURSE CODE: PUL341
COURSE TITLE: CRIMINAL LAW I
CREDIT UNIT: 4
TIME ALLOWED: 3HOURS

Instruction: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 QUESTIONS. ALL QUESTIONS CARRY EQUAL MARKS (15 MARKS) EXCEPT QUESTION 1 WHICH CARRIES 25 MARKS.

QUESTIONS:

- 1a. The act or omission to act is a result forbidden by law and produced by human conduct. With the aid of authorities, state instances where omission to act can give rise to liability.
- 1b. Determine the liability if any of the following:
 - a. Peter was employed as a gatekeeper responsible for closing the gates of a level crossing when a train was due. On a certain day he left the gate in search of food and failed to shut the gate. A hay cart crossing the line was involved in a collision with a train. A man was killed as a result.
 - b. Bayo was a squatter who lays on a mattress in a house and fell asleep with a lighted cigarette in his hand. He woke to find the mattress on fire and he responded by simply going to the next room and resuming his slumber. The house caught fire and was damaged.
 - c. Jacob a trained fire fighter was travelling to Abuja on vacation when he witnessed a vehicle burning with all the occupants. He wished he could help but decided to watch like others.
- 2a. The defence of accident as provided by the Nigerian penal laws can be raised for an unwilled act or omission or willed act and omission. Explain the ramification and effect of the defence.
3. Mr. Igago is a native of Jombo land and a worshipper of juju and witchcraft. On a certain night, he alleged that he was instructed by members of his secret cult to kill his brother Afam whom he loved so much. He carried out the instruction and killed Afam after making some incantations on him. He claims that at the time that he killed him, he was suffering from some delusions which deprived him of capacity to know that he ought not to kill him. Determine his liability if any.

4. With the aid of authority, determine when the defence of insanity can be raised under the Criminal Code and its effect. Is the defence different from the defence of delusion?
5. There is an irrefutable presumption of innocence of children under the penal codes. Examine the provisions and explain its basis.
- 6a. Mere intention is not enough in the offence of attempt. Discuss
- 6b. Robin who is a jeweler tied himself up to a chair in his shop with an intention to report subsequently to the insurance company that his jewellery had been stolen with a view to collect the insurance money but he was arrested before he had made any claim. He has been charged for the offence of attempt. Can this charge stand?