



NATIONAL OPEN UNIVERSITY OF NIGERIA
UNIVERSITY VILLAGE, PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE
EXPRESSWAY, JABI, ABUJA
FACULTY OF LAW

DEPARTMENT OF PUBLIC LAW
2021_2 EXAMINATION QUESTIONS

COURSE CODE: LAW 445

COURSE TITLE: EVIDENCE 1

TIME ALLOWED: 3 HOURS

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

1. Stephen is unemployed and has no other means of earning a living. Nevertheless, he smokes marijuana and takes a lot of hard drinks. Sometimes he complains that he hears strange voices. In February, 2021 Stephen stabbed Paul with a sharp object and Paul died two days after. Stephen has been charged with murder. He was convicted for the offence and he appealed on the ground that the prosecution did not prove that he knew what he was doing when he committed the offence. With the aid of judicial and statutory authorities, discuss the current issue in this matter. **25 Marks.**
2. John sued Kelvin for the tort of libel which he alleged Kelvin published in a national newspaper wherein Kelvin alleged that John is funding political violence in his state. In the course of the proceedings John tendered in court a copy of the newspaper which he bought as proof of the libel. Kelvin denied the allegation and tendered an alleged document showing that John is not paying his tax to the authorities. The court dismissed John's case. Discuss. 15 Marks
3. The rule that he who asserts must prove that which he asserts is subject to certain exceptions. Outline and discuss these exceptions. 15Marks
4. Evidence belongs to the adjectival branch of the law. It is primarily concerned with the ways of proving facts before the court. It is said to exclude arguments and inferences. Discuss. 15Marks
5. Mark awarded a contract to Ben for the construction of a modern Estate subject to some terms and conditions. Ben commenced construction of the estate without complying with

the terms and conditions of the contract. Mark has commenced arbitral proceedings and the question arose as to whether the Evidence Act, 2011 is applicable to the proceedings. Discuss. 15Marks

6. In judicial proceedings, facts which are judicially noticed ought not to be proved. This is because the law permits the court to take judicial notice of certain facts even when those facts have not been proved before the court. Discuss. 15 Marks