



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**FACULTY OF LAW**  
**DEPARTMENT OF PUBLIC LAW**  
**2019\_1 EXAMINATION QUESTIONS**  
**APRIL, 2019**

**COURSE CODE: PUL 341**  
**COURSE TITLE: CRIMINAL LAW I**  
**CREDIT UNITS: 4**  
**TIME ALLOWED: 2 ½ HOURS**  
**INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHERS ARE 15 MARKS EACH)**

- 1.(a) Ije tells Nkem and Rita that a warehouse has a large sum of money inside. Victor, knowing of their intention to burgle the warehouse, lends them a rope to tie up the nightguard. Ahmed drives them to the warehouse without knowing their intention. Ngozi witnessed their entry into the warehouse but did nothing to prevent them. Rita stands on guard while Ije robs the cashbox. Determine their liabilities.
- 1.(b) Wale and Dayo agreed to steal from Ema Bank in Ikeja. Unknown to Wale, Dayo had a gun in his pocket. During the operation at the bank, Dayo shot and killed Victor and James. Wale in the next room trying to cart away as much as he could saw Rita, the beautiful cleaner and raped her. Examine their liabilities.
- 1.(c) Mr. Clement Obasi was accused of giving bribe to Police Constable Alex Amobi, in order to release Charles Dokubo from Police detention. The two accused persons, Clement Obasi and Alex Amobi were both charged to court for giving and receiving bribe. In the court, both accused pleaded the defense of mistake, contending that they did not know that it was an offence to give or receive bribe. Advise them.
- 2.(a) Explain Intention and Motive in Law.
- 2.(b) Faith had been the mistress of Jude for two years before the relationship stopped. Jude entered into another relationship with Esther. Faith found out and was very upset. She drove to Esther's house and set fire to it at about 2.30am by pouring petrol through the letter box and setting it alight. As a result, Esther lost two of her children. Faith says she did not intend grievous harm. Will her excuse avail her?
3. "Subject to the express provisions of the code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident...." – section 24 of the Criminal Code. Discuss the ramification and effect of the above provision.

- 4.(a) “The criminal quality of an act cannot be discerned by intuition; nor can it be discovered by reference to any standard one: Is the act prohibited by penal consequences?” (Lord Atkins in *Proprietary Articles Trade Association v. Attorney General for Canada*). In line with the above, explain four characteristics of crime.
- 4.(b) Consider in details the purpose of Criminal Law.
- 5.(a) It must surely be for good reasons that omissions are sometimes punished as *actus reus*. Discuss fully with illustrations.
- 5.(b) Jones (a good swimmer) saw his neighbour’s baby creeping towards the swimming pool. To save the baby will involve no risk but Jones did nothing to save the baby as the baby keeps him awake most times in the nights with his cry. The baby drowned. Determine his liability.
- 6.(a) Under what circumstances does the defense of provocation avail an accused person?
- 6.(b) Uche (a bricklayer) had quarrel with Bridget his wife one morning before setting out for work. Bridget called him a useless and an impotent man. As he was already late for work he did not respond to the insult. In the evening when he came back, he decided to beat Bridget for insulting him. Bridget died from the beating. Advise Uche if the defense of provocation can avail him. Would your answer be different if Uche had beaten her during their quarrel in the morning?