



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

COURSE CODE: PUL446

COURSE TITLE: EVIDENCE 11

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 gang of armed robbers invaded a neighbourhood about 5pm. The armed robbery operation was led by Jonathan. While the robbery operation was going on, Emmanuel was inside a car parked nearby to carry the armed robbery gang after their operation. Mary, a nine year old girl, just returning from school observed the operation while Kelvin, a ten year old boy, also observed the operation from their house. Jonathan, the gang leader, has been arrested and charged to court for armed robbery. Mary and Kelvin have been brought by the prosecution to testify. Mary and Kelvin know the name of their parents, school, neighbourhood and the value of education. While Mary does not know what happens to those who do not tell the truth, Kelvin knows what happens to those who do not tell the truth. The Judge has convicted Jonathan based on the evidence of both Mary and Kelvin. Thereafter, Emmanuel went for another armed robbery operation with Paul and was arrested. While Emmanuel was charged to court, Paul was not and testified against Emmanuel. The Judge convicted Emmanuel based on the evidence of Paul who was the only witness. Discuss the legal issues. **(25 marks)**
2. Dayo is an electronic engineer and has designed and developed electronic equipment for use in computer systems. Dayo has been having a long standing dispute with Bola over a patent right in respect of the electronic equipment. In order to resolve the matter, several efforts were made at amicable settlement of the dispute to no avail. Dayo approached his lawyer to commence an action against Bola in respect of the patent right. Dayo filed his Statement of Claim and stated how he designed and developed the equipment more than thirty years ago while Bola in her defense narrated how she developed the equipment in dispute. When the matter came for trial, on several occasions, Dayo was not in court despite several notices issued to him reminding him of the dates for the trial of the case. As a result the Judge dismissed his suit. Dayo is aggrieved with the decision of the Judge and has appealed against the judgment of the court dismissing his suit. Discuss the legal issues.
3. “A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding

from a person in authority and sufficient in the opinion of the court to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature". Critically evaluate this statement.

4. Tunde, the Ironman, is one of the political thugs to one of the political parties in the country. Tunde is well known to the security agencies as an ex-convict. He has been sentenced to prison on several occasions for offences ranging from stealing and armed robbery to attempted murder. Sometime in March 2019, Tunde planned with others to break into a warehouse belonging to an electronic company for the purpose of stealing the electronic gadgets in the warehouse. Tunde was armed with a shot gun. On their way to the warehouse, they were intercepted by a team of police officers and there was exchange of gun fire between Tunde and the Police Officers. Tunde shot one of the Police men who died on his way to the hospital. Tunde has been charged with the offence of murder and during his trial the prosecution tendered evidence of Tunde's previous conviction. He was opposed by the defence counsel. The court admitted the evidence. Discuss the legal issues.
5. Chief Sarumi is a well-known industrialist that engages in the manufacturing of iron and steel products for construction and manufacturing. Chief Sarumi supplied iron and steel products worth N500 Million Naira to Total Civil and Construction Engineering Company for the construction of industrial plants and housing estates. Chief Sarumi and Total Civil and Construction Engineering Company agreed that in view of the huge sum of money involved, payment for the contract will be spaced in order to accommodate Total Civil and Construction Engineering Company's financial challenges. Chief Sarumi's financial transactions are recorded in his financial records book. With respect to the transaction between him and Total Civil and Construction Engineering Company, Chief Sarumi recorded that Total Civil and Construction Engineering Company has discharged all its financial obligations to him. He further stated that he has decided to waive all outstanding financial obligations due to him from Total Civil and Construction Engineering Company. A year after, Chief Sarumi passed on and after his burial his executors made concerted attempts to recover what they believed were outstanding funds due to Chief Sarumi regarding the purchase of the steel products. Total Civil and Construction Engineering Company completely refused to pay any money to the executors. The executors have decided to institute a suit in court of law against Total Civil and Construction Engineering Company. In its defense, the company, Total Civil and Construction Engineering Company, relied on the financial records of Chief Sarumi in proof of the fact that the company has discharged all financial obligations to Chief Sarumi and that Chief Sarumi had waived all outstanding payments. Discuss the legal issues.
6. The Judges rules are mere administrative directions lacking the force of law but Judges often insist on their observance. Discuss.