



**NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW, DEPARTMENT OF PUBLIC LAW
Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja
2022_2 POP EXAMINATION**

COURSE CODE: PPL445

COURSE TITL: LAW OF EVIDENCE 1

TIME ALLOWED: 3 HOURS

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

1. James was a former public official. At the end of his tenure, a Judicial Commission of Inquiry was set up to inquire into his activities as a former public officer. The Judicial Commission of Inquiry at the end of its sitting concluded that James illegally acquired public property. After submitting its findings, the government issued a white paper in respect of the findings and recovered the said illegally acquired assets. The government also issued a gazette in respect of those recoveries. James commenced an action in court and contested that the gazette is not genuine. Discuss. **25Marks**
2. Relevancy and Admissibility determines the facts that can be admitted in evidence and those that cannot. As a result, a clear understanding of the two concepts is essential in Evidence. Discuss. **15Marks**
3. The source of the Nigerian Law of Evidence, can be traced to the Evidence Ordinance of 1943. The Ordinance itself can be traced to the English Common law. Discuss **15Marks**
4. Paul is a journalist with the National Trumpeter, a Journal. He wrote an article in the journal wherein he accused a Minister of the country of treasury looting. The Minister has commenced action in court against Paul for defamation of character. Paul in his pleadings, agreed that he wrote the article in question. At the end of the case, the court gave judgment for the Minister and Paul has challenged the judgment on the basis that the Minister did not prove that he wrote the article in the course of the trial. Discuss **15Marks**
5. The law relating to *res gestae* in Nigeria, seems to have changed significantly because of Section 4 of the Evidence Act, 2011, which says that the court may admit facts that occurred at the same time and place but also at different times and places. Discuss **15Marks**
6. The Evidence Act, 2011 permits the courts to take judicial notice of certain facts. Such facts that are judicially noticed does not require any further proof. Discuss. **15Marks**