



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

**DEPARTMENT OF PUBLIC LAW**

**2023\_1 POP EXAMINATION.**

**COURSE CODE: PUL 446**

**COURSE TITL: EVIDENCE 11**

**TIME ALLOWED: 2 ½ HOURS**

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

**Question 1**

John is suspected of being a member of a criminal gang that is terrorizing his neighbourhood. On the 28<sup>th</sup> of October, 2021, a violent crime took place in one of the streets in the town. In the course of investigating the crime, the Police arrested John and interrogated him regarding the crime. John denied committing the offence but the Police denied him food for seven days and denied him water for two days until John informed the Police that he committed the offence before he was allowed to eat and drink water. Ken led the group that committed the offence and was arrested by the Police but he denied committing the offence but when the Police promised to keep the information of his participation secret he informed the police that he participated in the crime. The prosecution sought to tender the statements made by both John and Ken but the defence counsel opposed it. Discuss.

**Question 2**

Alex is a 110 year old man. As part of his morning routine, he undertakes a walk on the street every day to ensure physical activity. On the 25 of September, 2021, while taking a walk, he witnessed an armed robbery operation which led to the death a of the victim. Charles led the armed robbery operation and has since been arrested and charged with the offence of armed robbery. The defence counsel has objected to Alex testifying because of his extreme old age. Discuss.

**Question 3**

Chief Thompson is a presidential candidate of one of the major political parties in the CPA Republic. He deposed to an affidavit that he obtained a LL.M degree from a Canadian University. The information turned out to be false after Police investigation. He

was charged with the offence of perjury and the Commissioner for Oaths was the only witness for the prosecution. The court convicted Chief Thompson for offence of perjury. Discuss

#### Question 4

The Judges Rules provide important tools for the fair and just administration of justice. Nonetheless, it is purely administrative. Discuss.

#### Question 5

Ben is a diver with a commercial bank in the capital city of the country. He was required by the bank to return the car he is driving to the premises of the bank every Friday and collect same on Monday morning. Ben complied with this instruction until sometime in January, 2022. Ben did not return the car on a Friday in question and the bank contacted the police. Ben was arrested five days after while trying to cross the northern border of the country to another country. During trial, the prosecution sought to give evidence that Ben had in the past sold cars of his employers after the crossing the border. Discuss.

#### Question 6

Hearsay Evidence is generally not admissible in the court. However, this general rule is subject to a wide range of exceptions. Discuss.