

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

DEPARTMENT OF PUBLIC LAW
2023 2 EXAMINATIONS

COURSE CODE: PUL 445

COURSE TITL: EVIDENCE 1

TIME ALLOWED: 3 HOURS

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

- 1 Samuel is a middle aged man and lives in Abuja. Sometime in April, 2020 he was seen walking around naked around Abuja's Central Business District. Again, in May 2020 members of the public saw him sitting by the side of the road and throwing stones at people. A week after this incident, Samuel attacked one Peter with a cutlass which led to the death of Peter. Samuel has been charged with the offence of murder. During trial Samuel's defence was that he did not know what he was doing when he killed Peter. The court convicted Samuel and sentenced him to death for the murder of Peter. Samuel has approached you for advice on why he was convicted. 25 Marks
- 2 John loves to keep animals in his compound. Sometime in June 2020 a lion that John kept in his compound escaped and attacked Jerome and inflicted serious wounds on him. However, if not for a quick intervention by Police officers guarding a bank nearby the lion would have killed Jerome. John was taken to court and found liable for keeping a dangerous animal in his compound. John intends to appeal against the judgment on the basis that there was no evidence before the court that the lion he kept in his house is a dangerous animal. Discuss. 15 Marks
- 3 Relevancy and admissibility are foundational in the law of Evidence and no attorney will successfully win a matter in court without understanding the twin concepts. Discuss 15 Marks
- 4 He who asserts must prove is a time honoured principle in the Law of Evidence. That principle admits of certain exceptions. One of such exceptions is admissions. Admissions obviate the need for proof. Discuss. 15 Marks
- 5 There are many definitions of Evidence. What is essential is that it comprises testimonies and tangibles that are concerned with the prove or disprove of the existence of a supposed fact. Discuss. 15 Marks
- 6 The Nigerian Evidence Act seems to have reformulated the principle of Res gestae by precluding the necessity of contrapreimity. Discuss. 15 marks