



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2025_1 EXAMINATION

COURSE CODE:

PUL805

COURSE TITLE:

COMPARATIVE CRIMINAL LAW I

TIME ALLOWED:

3 HOURS

Instruction: ANSWER QUESTION 1 (ONE) AND ANY OTHER 2 (TWO) QUESTIONS. ALL QUESTIONS CARRY EQUAL MARKS (20 MARKS) EXCEPT QUESTION 1 WHICH CARRIES 30 MARKS.

1. “Detached reflection cannot be demanded in the presence of an uplifted knife”. (Justice Oliver Wendall Holmes) Yet standard criminal law doctrine provides that one can only use a certain degree of force in self-defence if one honestly and reasonably believes that a serious enough threat has been poised and if one honestly and reasonably believes that the use of force in self – defence is necessary to prevent that threat.

Drawing on both case and statutory law relating to self- defence in Nigeria, and any other jurisdiction under study, consider the contradiction if any, in Justice Holmes statement and the standard criminal law doctrine.

2. Critically review the provisions of the Criminal Code, Penal Code of Nigeria and the law in another jurisdiction under study, with a view to determining what similarities or differences prove or disprove the assertion that the offences known as theft or stealing in these jurisdictions are one and the same.
3. “An unlawful act causing death will not simply because it is an unlawful act make the accused guilty of manslaughter” Per Oguntade, JCA in Umoru v The State (1996) 3NWLR 363 at 371. Discuss the correctness or otherwise of this statement in relation to the position of the law in Nigeria and any other jurisdiction under study.
4. Examine critically the law relating to the offence of corruption in Nigeria and any other jurisdiction under study.

5. Kojo has been displaying very disturbing acts, destroying properties and injuring himself. Recently he attacked some young children leading to serious injuries to most of them and causing the death of two of them. Kojo was charged with murder and he raised the defence of insanity.
 - a. With the aid of authorities, clarify the criteria for determining insanity in Nigeria and India.
 - b. Explain how the courts apply and interpret this defence in Ghana.
6. Comparatively discuss the law as it relates to rape in Nigeria (under the Criminal and Penal Codes) and any other jurisdiction under study.