



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**FACULTY OF LAW**  
**DEPARTMENT OF PUBLIC LAW**  
**2021\_1 EXAMINATION QUESTIONS**

**JUNE, 2021 EXAMINATION**

**COURSE CODE:** PUL341  
**COURSE TITLE:** CRIMINAL LAW I  
**CREDIT UNIT:** 4  
**TIME ALLOWED:** 3HOURS

**Instruction: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 QUESTIONS. ALL QUESTIONS CARRY EQUAL MARKS (15 MARKS) EXCEPT QUESTION 1 WHICH CARRIES 25 MARKS.**

- 1a. Explain the legal term “Novus Actus Interveniens.
  - 1b. Peace and Comfort decided to visit an art museum. While there, Peace begins to taunt Comfort that she looked like one of the paintings in the museum. Comfort becomes incensed and pushes Peace, who falls onto a priceless painting causing serious damage to it. Pius a security guard arrives at the scene and tells them that he is going to call the police. Peace shouts at him to back off, we haven't done anything and pushes him. Pius loses his balance and falls hitting his head. His injuries are more severe than would normally be expected because he has an abnormally thin skull. Peace and Comfort run out of the museum. When Pius who is unconscious arrives at the hospital, Dr. Sahed prescribes medication which Pius was allergic to and as a result dies. Discuss the criminal liability if any, of Peace and Dr. Sahed
  - 1c. Victor pointed a native charm called Onye uku at Ikenna who owed him money and said: ‘since you refuse to pay me my money, this charm will kill you and you shall no more eat or drink. Victor left the charm at Ikenna’s house. Ikenna became depressed and six days later he went out and hung himself on a tree. Discuss Victor’s criminal liability if any.
2. Garuba, Ahmed are two friends that reside in the same accommodation. For some time now, whenever they are watching football, they always have heated arguments resulting in fights over their favorite football club. In one of the fights, Hassan who had come visiting tried separating them. Garuba shouted at Hassan “you idiot, thief and a no good, when real men are talking, you should not talk”. Hassan angrily

picked up a stone and hit Garuba on the head. Garuba slumped and died a week later in the hospital. Ahmed seeing the anger in Hassan tried running away. Hassan chased him and punched him in the eye causing him serious bodily harm. Discuss the criminal liability of Hassan if any.

3. The requirement of mens rea may be negative in exceptional circumstances. Examine the circumstances.
4. Smith drives a hilux van that supplies goods to a certain company. On one of such trips, the hilux carried stolen goods, a fact known to Smith. He was ordered by the Police to stop and leave his vehicle. Smith panicked and accelerated away with the Police Officer still holding onto the vehicle at high speed. The officer fell under the wheels of an oncoming vehicle causing his death. As a prosecutor, what will you charge Smith for and why?
5. There is a thin line between mistake of facts and mistake of law, explain.
- 5b. Mr. Java is an employee in an ammunition depot. During the forenoon on a particular day, he went with his co-employees towards the place of incidence with the intention of shooting a hyena which was seen on the locality on the previous day but they honestly believed had reappeared. Visibility was poor due to the drizzling of the rain. All persons were under the belief that a moving object sighted by them was a wild animal. Mr. Java fired a gunshot at the moving object, and to his surprise, the object aimed at and shot was found to be a human being who died on the spot. Mr. Java is charged for murder. Advise him on the defence available to him and why?
6. Vincent a police sergeant stopped Abel, a bus driver on his way to pick passengers. Vincent had earlier complained of not being given enough money by the driver the previous time and stated that he was going to discipline the driver Abel. He tried to flush out attaches in Abel's vehicle and slapped him. This infuriated Abel who then shouted at Vincent. Vincent shot at Abel who eventually bled to death. Vincent is claiming that it was an accidental discharge. Determine his liability.