Name : Fabiyi Omowumi Maureen

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**Answer**

**Criminal law**

Defined as an aspect of law that classifies certain kinds of behaviors as offenses to the state. These offenses don’t necessarily violate private rights and they are punishable by the state. Life is preserved by criminal law through punishment for crimes like homicide; s.220 Penal Code(PC), assault; s.264 Penal Code, physical violence, manslaughter; s.317 Criminal Code(CC) and so on. Criminal law achieves protection of property through the punishment of crimes like theft; s.286 PC, embezzlement, criminal trespass; s.342 PC etc.

Criminal proceedings are the steps and procedures of commencing, conducting and concluding matters in court.

There are five sources of the rule regulating criminal procedures in Nigerian courts;

1.criminal procedure Act and it’s equivalent laws in the southern states.

2. Criminal procedure code and it’s equivalent laws in the northern states.

3. The Nigerian constitution

4. Criminal code and penal code

5. Statues established tribunals

**Stages of criminal procedures at the high court**

1. What is an indictment or information
2. Proofs of evidence
3. Arraignment and plea
4. Plea of guilty
5. Plea of not guilty
6. Prosecution
7. Submission of “no case to answer”
8. Defense
9. Closing address
10. Judgement
11. Discharge
12. Finding of guilt and sentence

**Indictment**: is an accusation of crime brought against an accused for trial in a high court.

**Proofs of evidence:** this means the names, addresses and written statements of the witness, a Proof of Evidence contains information which will help or hinder the claim and this is how it differs from a Witness Statement.

**Arraignment**

An arraignment is a court proceeding at which a criminal defendant is formally before the court by name at the beginning of a criminal proceedings and advised of the charges against him and is asked to enter a plea to the charges. In many states, the court may also decide at arraignment whether the defendant will be released pending trial.

An accused me plead as follows:

1. **Autrefois acquit:** an accused person who is charged of a misdemeanor. It is a plea made before the commencement of a trial. A defendant can plead that he as been tried for the same crime under same facts of the case. This plea is an application against the grounds of double jeopardy rule.

**Aminu Mohammed V The State**. It is the fundamental right under the fair hearing provisions of the Nigerian constitution.

**2. Autrefois convict:** This is also an application of the rule against double jeopardy, it is a plea made by a defendant in a case that he is indicted for a crime . By this plea, a defendant can claim that he was charged of the same crime on a previous occasion . The defendant should also prove that he was convicted for the offense.Therefore, a person who was once tried and convicted of an offense cannot be placed in jeopardy for the same cause. If a person has suffered the penalty due for the offense, that conviction should bar a second indictment for the same cause. **section 36(9) of the 1999 Constitution (as amended)**.

**3.He may stand mute** : When a accused stands mute, the court will generally order a not guilty plea to be entered. The law provides that where an accused stands mute, a plea of not guilty has to be mandatorily recorded for him by the court.

**4.Plea of guilty to a lesser offense:** It is usually because pleading guilty to the lesser offense will have less-severe consequences such as a lower sentence, after the charge has been read out by the court clerk, you’ll be entering a plea of “not guilty” to the charge(s) as read, but guilty to a lesser included offense. **NWACHUKWU V STATE (1986)2 NWLR pt 25, p.765 SC**

**5. He may plead guilty**

**6. He may plead not guilty.**

**PLEA OF GUILTY**

When the accused person pleads guilty, the counsel for prosecution will give the court a summary of the evidence together with details of the accused person’s background. In order to plead guilty, the physical acts (or omissions) that you agree took place have to amount to a criminal offense. You also had to have a guilty “state of mind” at the time of the offense. In most cases, this means that your actions amounted to a criminal offense and that you meant to do it. Doing something accidentally is generally not enough to support a guilty plea for most offenses.

**PLEA OF NOT GUILTY**

When the accused Pleads not guilty this means he didn’t commit the crime, or that he had a reasonable excuse for doing so. The court will then have a trial to decide whether he did. If the court decides the accused is guilty, this means he will be convicted, and the court will decide on the sentence. The trial begins when an accused person pleads not guilty. **EYU v THE STATE (1988)2 NWLR pt 478, p.602 CA.**

**PROSECUTION**

Prosecution ensures that persons suspected of crimes are tried in a court of law and sentenced if found guilty. Prosecution leading to punishment holds offenders accountable for their actions and serves as a deterrent for those who might consider illegal acts. The preliminary hearing is conducted by the magistrate to determine whether the prosecution has sufficient evidence to continue the prosecution. The prosecutor relies on witnesses to present the prosecution's evidence, and the defendant may do the same. Both sides are allowed to question, or cross-examine, the opposing side's witnesses. After this hearing, the court may dismiss the charges if they are not supported by probable cause.

**SUBMISSION OF “NO CASE TO ANSWER”**

If the accused pleads not guilty for that offense, it is the duty of the Prosecution to provide evidence that all elements of the offense have been committed as well as to prove that the Defendant is the person who committed them. Therefore, the burden of proof lies with them. The burden of proof in criminal trials is beyond reasonable doubt.

The process of a criminal trial has 2 parts. the first part, the prosecution presents its case and calls its witnesses. In the second part, the defense presents its own case and calls its own witnesses. In both parts 1 and 2, the lawyer for the other side can cross-examine the witnesses which the party presents to give evidence.

At the end of part 1, after the prosecution has finished presenting its case, if the defense feels that the prosecution has failed to prove its case, then the legal process in Nigeria allows the defense to make an application known as a no case submission.

The defense makes the plea by filing an application before the court, and if the judge agrees, then the matter is dismissed and the defendant is acquitted without having to present any evidence in their defense. If the judge does not accept the submission, the case continues and the defense must present their case. Therefore, because the defense really loses nothing by filing a no case submission application, it is a very common defense tactic used in criminal cases in Nigeria.

**DEFENSE**

In the conduct of criminal trials, after the prosecution has made its case and the failure of no case submission, an accused will be for the defense to be called upon to make its own case and put forward its defense for the accused. Section 287 of the Criminal Procedure Act (CPA) of Nigeria provides for the procedure to be adopted in the defense presenting its case. This procedure usually depends on whether or not the accused is represented by a counsel. Certain situations may arise where the provisions of Section 287 of the CPA may not have been adhered to; what then is the import of this? Under section 287 of the CPA, where the court fails to inform and explain to the accused the options available to him, there is irregularity. the case of Kajola v. COP (1973) 1 All NLR 31. After the witnesses for defense have testified and tendered any exhibit they may have, the case for the defense closes. **STEPHEN v STATE(1986)5 NWLR pt 46, p.978 SC.**

**CLOSING ADDRESSES**

After the close of the case for the defense the counsel for both sides make closing speeches. The prosecution counsel always comes first to address the court. The prosecutor sums up the cases of both sides stating the strengths of the case for the prosecution and weaknesses of any of the defense and urges the court to convict the accused as charged. The cause of the prosecution must succeed on its own strength because the prosecution can not rely on the weakness of the defense to succeed. The counsel for the defense addresses the court next. He points of the weaknesses of the case for the prosecution. If sufficient evidence has not been citied as required by the law to discharge the burden of proof that rests on the prosecution in criminal proceedings, which is proof beyond reasonable doubt, he states it’s out and urges the court to discharge the accused on the charge. The general rule of closing speeches is that the accused or his counsel is entitled to the last word , it is his right to round off the addresses. **OGUGU V STATE (1994)9 Pt 366, p.1 SC**

**JUDGEMENT**

After counsel of both sides have made their closing address, a date is fixed for judgement but the Judge provided it isn’t a summary trial, the court Arises for adjournment to enable evaluate the totality of evidence in the case till the adjourned date where the judge delivers his judgement on the case. Although a case where a trial is by summary procedure the judge may deliver judgement there and then. In judgement the judge compiles all evidence, reviews or weighs for both sides and gives his reasons according to the law for his disbelieve or believe and accepting or rejecting which ever the case may be. The judge must find the accused either guilty or not guilty . According to the law of the land. **GUFWAT V STATE (1994)2 NWLR Pt90, p.503 SC**

**SENTENCE**

After a criminal defendant is convicted or pleads guilty, a judge will decide on the appropriate punishment during the sentencing phase of a criminal case.after the allocutus. The judge passes sentence on the accused.

When the accused has been found guilty of a crime, under the criminal procedure Act or law pass sentence and make more appropriate orders as follows:

1. **Imprisonments ( can be with hard labor)**
2. **Fine ( either expected to past just the fine or both fine and jail)**

This is a sum of money which a court orders an offender to pay to government treasury as a penalty for a crime committed. In some cases a stipulated amount of fine as an alternative to the term of imprisonment imposed for the same offense, the offender may pay the fine and not go to prison. In cases where the crime is aggravated, the written law creating the offense may stipulate ; only imprisonment as punishment or the imposition of both at the same time as punishment to serve as a deterrence.

1. **Death sentence**
2. **Caning**
3. **Deportation for**
4. **Binding over order**
5. **Order of detention during the pleasure of the president or Governor as the case may be;**
6. **Order for disposal bot property**
7. **Order for costs**
8. **Award of damages**
9. **Probation order**

**Answer 2**

 **1.writ of summons**

**2. Originating summons**

**3. Ex parte motion**

**4. Petitions**

Subject to the provisions of any enactment, civil proceedings may be begun by writ, originating summons, civil proceedings originating motion or petition, or any other method required by other rules of court governing any special subject matter as provided in these Rules.

**5.Complaint; at the national industrial court**