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1. State the procedure of a criminal trial in the high court and comment on the remedies available to the accused after the imposition of sentence.

Answer: The Procedure to be followed in a criminal trial in the high court is as follows:

* 1. **Arraignment or plea**: Arraignment is the calling of an accused person formally by name before the court at the beginning of a criminal proceeding to read to him the indictment brought against him and ask him whether he pleads guilty or not guilty.
  2. **Plea of Guilty**: When an accused person pleads guilty, the counsel for the prosecution will give the court a summary of the evidence together with the details of the accused person’s background, after this the counsel for the defence then makes his plea in mitigation of sentence and the court then passes it’s sentence.
  3. **Plea of not guilty**: When an accused person pleads not guilty, the trial then proceeds.
  4. **Prosecution**: The counsel for prosecution always opens a criminal proceeding by calling for evidence for the prosecution. He calls his witnesses and examines each and tenders any exhibit they may have. The witnesses are then cross examined by the defence counsel and then re-examined by the prosecution as may be necessary and then the case for the prosecution closes.
  5. **Submission of “no case to answer”**: At the close of the case of the prosecution, the defence counsel may produce that the prosecution has not produced sufficient evidence or made out a prima facie case against the accused and consequently the defence has no case to answer and therefore the case should not proceed further. The prosecuting counsel usually replies and then the judge makes a ruling on the submission.
  6. **Defence**: After the close of the case of the prosecution and the failure of a no case to answer submission, if such submission was made, then the case for the defence opens. The accused and his witnesses, if any are one after the other examined by the defence counsel and cross examined by the prosecuting counsel and then re-examined by the defence counsel if necessary
  7. **Closing Addresses**: After the closing of the case of the defence, the counsel for both sides then make their closing speeches by addressing the court from their filed written addresses. The prosecution counsel is always the first to address the court, he sums up or reviews the case on both sides but despite this, the case of the prosecution must succeed on its own strength, it cannot rely on the weaknesses of the defence to succeed. The general rule of closing speeches is that the accused or his counsel is entitled to the last word.
  8. **Judgement**: After the closing addresses for both sides, the judge chooses a date for judgement provided that it is not a summary trial and the court rises in adjournment to enable it deliberate or evaluate the totality of evidence in the case. On the adjourned date, the court resumes sitting, the case is called and the judge delivers his judgement on the case. In the judgement the judge reviews the case and evidence for both sides and in conclusion finds the accused not guilty or guilty as the case may be and this must be done according to law.
  9. **Discharge**: When an accused person is found not guilty on merit, the judge proceeds to dismiss the charges against him and discharges or acquits the accused person as provided for in the Criminal Procedure Law. On the other hand if the prosecution fails on a technicality, the judge would discharge but not acquit the accused.
  10. **Sentence**: Where an accused person is found guilty, before passing sentence a plea for mercy or leniency is usually made by the counsel for the defence. After the plea, the judge passes a sentence for the accused.

The remedies available to the accused after the imposition of sentence are:

1. The accused can appeal the judgement of the high court in a superior court. This happens when the accused is not convinced that the judgement given to him is just and fair and therefore decides to exercise his legal right to seek redress in court when one is wronged.
2. The accused can be granted Presidential pardon based on the prerogative of mercy of the President. This happens in a case where the President decides to exercise his right to pardon any body who has committed a crime in the country and let them go without punishment or to free someone who has already been imprisoned.
3. The accused can serve his jail term or sentence and focus on being rehabilitated and learn how to become a good, productive and law abiding citizen of the country when they are released from jail. This is after the accused has put in a Plea of Guilty.
4. Plea bargaining is also a remedy that an accused person can look into by making a deal with the prosecutor to plead guilty for a lesser crime than they are charged for so as to facilitate quick dismissal of the case.
5. Comment on the various methods by which civil procedures may be commenced in the high court.

Answer: In Order 2 of the Federal High Court Civil Procedure Rules, it is stated that “Subject to the provision of any enactment, civil proceedings may be begun by writ, originating summons, originating motion or petition, or

     any other method required by other rules of court governing any special subject matter as provided in those rules

i) Subject to the provisions of any enactment or of these Rules by virtue of which any proceedings are expressly required to be begun otherwise than by writ, proceedings in which a claim-

(a)     is made by a plaintiff for any relief or remedy for civil wrong;

(b)     made by the plaintiff is based on an allegation of fraud;

(c)    is made by the plaintiff for damages for breach of duty (whether the duty exists by virtue of a contract or of a provision made by or under a law or independently of any contract or any such provision) or where the damages claimed consist of or includes damages in respect of death of any person or in respect of injuries to any person or in respect of damage to any property;

(d)    is made by the plaintiff in respect of the infringement of a patent, trade mark, copyright, intellectual or any other proprietary interest of whatever kind;

(e)     for a declaration is made by an interested person shall be begun by writ.

ii) Proceedings may be begun by originating summons where

1. the sole or principal question at issue is, or is likely to be, one of the construction of a written law or of any instrument made under any written law, or of any deed, will, contract or other document or some other question of law; or

(b)    there is unlikely to be any substantial dispute of fact.

   iii) Proceedings may be begun by originating motion or petition where by these Rules or under any written law the proceedings in question are required or authorized to be so begun, but not otherwise.