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 **QUESTION**

**1). STATE CLEARLY THE PROCEDURE FROM ARRAINGMENT TO IMPOSITION OF SENTENCE IN A CRIMINAL TRIAL IN HIGH COURT.**

**2). COMMENT ON THE VARIOUS METHODS BY WHICH CRIMINAL PROCEEDINGS MAY BE COMMENCED IN THE HIGH COURT.**

**ANSWERS.**

2). Civil procedure can be defined as the method or procedure of commencing, conducting and concluding civil matters, or claims in court. The high court civil procedure rules of the various state high courts make provision for procedure for the conduct of such matters in the high court for each state. The civil procedure rules for the high court are with very little difference; except for the high court of Lagos which operates a multiple door court system and the Federal High Court because of the extent of its different jurisdictions.

An action may be carried out in a high court by a counsel filing one or a compilation of following papers or originating processes in court: writ of summons, or originating summons, ex parte motion and petition.

WRIT OF SUMMONS

A “writ of summons” is a type of writ issued to begin civil proceedings. The writ is issued by the plaintiff (the party suing), to the defendants (the party being sued). It is expected of the defendants to make an appearance in court if the defendant wishes to defend the claim. If the defendant does not make an appearance in court or file a defense in time as in the writ, judgment in default may be entered against the defendant .In Lagos state, the writ of summons shall be accompanied by the statement of claim, written statement , list of witnesses, copies of all documents to be used at the trial and so on if not it would not be accepted for filling at the registry.

Originating summons is a mode of carrying out civil action. An action is carried out by an origination summons when (a) it is required by Law (b) A dispute, which is concerned with matters of law, is unlikely to be a substantial dispute of facts. An originating summons may be in ex-parte or inter partes of the rules of court. Originating summons is heard based on affidavits filled and are heard by judges or registrars in chambers or in open court. A judicial decision is made by hearing the parties and accessing the affidavits filled either in support of or in opposition to the originating summons. Witnesses may be called to give testimonies and pre-trial gatherings which may or may not be conducted. An application can be made to convert an originating summons into a writ at any stage of proceedings. On the other hand the judge or registrar can decide or convert an originating summons into a writ without consent or application from the parties, which once done, steps relating to a writ applies. A new number will be assigned by the to th proceedings and a pre-trial gathering will be called for.

Ex-parte refers to a motion or petition by or for one party. An ex parte judicial proceeding is where the opposing party is yet to receive notice nor is present. This is an exception to the normal rule of court procedure and due process rights that both parties must be present before a judge for any argument. It is in contrast to the rule that an attorney may not inform a judge without previously notifying the opposition. Ex parte hearings, motions or petitions are often temporary orders, example being a restraining order or temporary custody, pending a formal hearing or an emergency request for continuance. Most times, jurisdictions require at least a good effort to inform the opposing lawyer of the time and place of any ex parte hearing.

 Generally, ex parte communication is prohibited in legal proceedings. It is seen as a direct or indirect communication on the substance of a pending case without or consent of all parties involved in the case.