NAME: NWANKWO KOSISOCHYUKWU OBIANUJU

MATRIC NUMBER: 17/LAW01/190

Criminal sentencing refers to formal legal consequences associated with a conviction,it usually takes place almost immediately after conviction for minor infractions and misdemeanor or when a defendant has plead guilty.in criminal trial sentence comes at the end of the entire proceeding .it means the prescription of punishment by a court to someone convicted of a crime. Canadian sentencing commission in 1987 defined sentencing as the judicial determination of legal sanctions to be imposed on the person found guilty of an offence. The various types of sentencing of a particular time obtained serve are contained in the criminal procedure act and criminal code and penal code.the supreme court has laid down 6 basic principles to aid courts in reaching reasonable ,just and fair sentence

1. The nature of the offence
2. Nature of the offender
3. The position of the offender among his confederates
4. The rampancy of the offence
5. Statutory limitation
6. Concurrency of the sentence
7. Nature of the offence; the nature of the offence committed by an accused person of which he has been found guilty goes a long way in dictating the extent of his punishment .the law is clear that a person cannot be found guilty of an offence which as at the time being committed does not constitute a crime in any written law and its punishment clearly stated in the case: **ADESANYA V.THE QUEEN**, this case of forgery, the principle was established that only in exceptional cases can a fine be sufficient punishment for forgery of court processes. The seriousness of the offence its nature, the gravity makes forgery of processes grievous. in the a fore mentioned case the accused person having committed the offence of forgery was sentenced to pay fine on appeal at the instance of the accused person , the court held that the payment of fine was too small a punishment for the grievous offence of punishment .

In the case **MUHAMMAD V. COP,** the accused person who had never driven in his life jumped into a far and killed some pedestrian, he was sentenced to 3 years imprisonment and 10 years disqualification from driving by the high court. The Supreme Court reduced the sentence to 18 men this imprisonment and 5 years disqualification from driving. In contrast, in provocation manslaughter there is a tendency to impose an average term of 10 years. Provocation is a statutorily recognized defence or criminal defence which serves as a mitigating factor and it reduces cases of murder to manslaughter.

2.) Nature of offender: evidence of character is inadmissible in law. However when the character of the accused person is in question the nature of the evidence of his character becomes admissible in law. in **R V. BANGAZA** in this case the heavy stick, the 2 accused persons committed a deliberate assault on the deceased with the intention to do him grievous harm by way of retaliation for an assault committed by a deceased children on the appellant younger brother . Death resulted and the appellants were charged therefore convicted and they appealed 5. After the murder in 1950, the appellants ran away to a place in borno. They surrendered themselves early in 1959. At the time of the offence the appellants were under 17years but old enough to be criminally responsible. Adenoma CJN as he then was said under section 368(3) of the CPA that it is the age of the offender at the time of conviction that is material at it seems clear that the appellant cannot invoke the provisions of the section but the responsible authorities will no doubt give such weight as he thinks fit to the possibility that if the appellant had not run away and had been brought to trial at once the section would be applied

3.) Position of the offender among his confederates: there is the minor role and the minor role: for **minor role** we have **ENAHORO V. THE QUEEN**, a case of reasonably felony enaroro was sentenced to 15 years imprisonment by the high court S.C reduced to 5 years and said the sentenced was imposed on the lieutenant should never be more than the leader. While **major role** **QUEEN V. MOHAMMED** whiles the first appellant who was the leader was given maximum sentence of 8 years of imprisonment the other parties were sentenced to 5 years.

4.) Rampancy of the offence: courts have always said that severity of punishment imposed will aid in stamping out the crime. In **STATE V. MICHEAL AYEBAMI** . in the case it was because of the court view in state v. Another that robbery on roads and water in recent times had been increase and disturbing those 2 parties to robbery were sentenced to 20 years imprisonment.

5.) Statutory limitation: all the crimes are governed by a statute of limitation. Whenever a statute itself stipulates a term of imprisonment no court should exceed its limits. In case of **MORDI V. COP** , the magistrate court sentenced the accused to 2 years and the court later increased it to 10 years , on appeal the supreme couth reinstated the earlier imposition of 2 years because that was the limitation of 2years because that was the limitation of the magistrate court**. AREMU V IGP**. The magistrate court sentenced the accused persons to 2 years imprisonment, dissatisfied the state appealed to the supreme court

6.) Concurrent and consecutive sentence: when a person is charged and found guilty for more than 2v offence in Nigeria. The general rule is that whenever a court finds an accuse person guilty of more than one offense the sentences should run concurrently. The Supreme Court held that wherever the offences are similar they should run concurrently. In the case **NWAFO V STATE**, the accused was found guilty and sentenced for store breaking and possession of breaking instruments,

In conclusion, I will first have to understand the nature of Evans offence as seen in the case of **ADEDEYE V. STATE,** a case tried by the high court of western states. Then later, the court imposed a sentence of 18 years imprisonment on the accused which was later reduced to 10 years, but the Supreme Court reinstated the 18 years because of the seriousness of the case with 3 strokes. . After then look at the nature of the character of the accused, then the position of the offender among the confederates whether minor role or major role. Then the rampancy of the offence, study if the crime was governed by a statute of limitation, finally we understand the concurrency of the sentence.