

- 1) Arraignment is the calling of an accused person formally before the court by name at the beginning of a criminal proceedings, to read him the indictment or information brought against him and to ask him whether he plead guilty or not guilty. In other words, arraignment means, the registrar or other officer of court calling the accused by name while the accused is standing in the dock and reading over and explaining the charge or information to the accused to make his plea thereto instantly. This is called the arraignment of a person before a court. Section 353 of the CPA. And the case of *Kajubo v. State* (1988) 1 NWLR pt 73, pg. 721 SC.

An accused person may plead as follows:

1. **Autrefois acquit:** Autrefois acquit means a plea that he has been tried for the same offence before and has been acquitted. This plea is an application of the rule against double jeopardy, which states that a person cannot be tried twice for the same offence. It is a fundamental right under the fair hearing provisions of the Nigerian Constitution. See section 36(5) of the CFRN.
2. **Autrefois convict:** Autrefois convict means a plea that he has been tried and convicted for the same offence on a previous occasion. He cannot be tried again. This is also an application of the rule against double jeopardy.
3. **He may stand mute:** Where an accused stands mute, that is without saying anything, a plea of not guilty is usually entered for the accused. This is so because the law provides that where an accused stands mute, a plea of not guilty has to be mandatorily recorded for him by the court. *Sugh v. State* (1988) 2 NWLR Pt 77, p. 475 SC.
4. **Plea of Guilty to a lesser offence:** however, while intending to plead "not guilty" to the offence charged, an accused person may plead guilty to a lesser offence which is not on the information. Where this plea is accepted by the prosecution, the court may pass its sentence accordingly. Here the prosecution usually drops the instant charge. Thus paving the way for the court to sentence the accused for the lesser offence admitted. Thus there's room for plea bargain. *Nwachukwu v. The State* (1986) 2 NWLR Pt 25, p. 765 SC.
5. He may plead guilty to the offence charged.
6. He may plead not guilty, afterwards the trial then proceeds. *Eyu v. State* (1988) 2 NWLR Pt 478, p. 602 CA.

Imposition of sentence can be seen as a decree of punishment of the criminal procedure.

Remedies available to the accused after the imposition of sentence

1. **Suspension of Sentence:** means to take or withdraw sentence for the time being it is an act of keeping the sentence in abeyance at the pleasure of the person authorized to suspend the sentence has the right to have the offender re-arrested and direct that he should undergo the rest of the sentence without assigning any reason. *Ashok Kumar Vs. Union of India* (1972) SC.
2. **Section 389 (1) and (2) of Code of Criminal Procedure.** deals with a situation where a person that has been sentenced or convicted can get bail from appellate court after filing the criminal appeal.  
**Section 389 (3)** deals with a situation where the trial court itself can grant a bail to convicted accused enabling him to prefer an appeal.
3. **House arrest:** it can be a remedy for imposition of sentence, house arrest is when a person is made to serve his or her sentence at home instead of in the prison.
4. **Verbal sanctions,** such as admonition, reprimand, and warning.

5. Probation and judicial supervision: this is when a person that is already facing sentence or convicted is released for a period of time and is inspected by judicial personnel to see if the person has changed or the person is still the same.
2. 1) Originating Summons: This form of procedure is adopted where the sole or principal question to be determined is the construction of written law or instrument, deed, will, contract or other documents or where special statutory provisions exist for its use.
- ii) Originating Motions/Applications: application or originating motions are required for certain proceedings, e.g. actions for the prerogative orders of mandamus, certiorari, prohibitions and habeas corpus. Under the Fundamental Rights (Enforcement Procedure) Rules 1979, any person who alleges that any of the provisions of the constitution on fundamental rights has been contravened in relation to him, may come to court by way of application.
- iii) Petitions: Petitions are special prayers framed in a special form supported with facts and often adopted in election, divorce and winding-up proceedings.
- iv) Writ of Summons: An official order for someone to appear in a court of law when they have been accused of committing an offence against someone. Order 6 of the Rules of Court. A Writ of Summons is a formal document addressed to the defendant requiring him to enter an appearance if he wishes to dispute the plaintiff's claim. Civil actions involving substantial dispute of fact are commenced by way of a writ.