

CRIMINAL PROCEDURE

CRIMINAL PROCEDURE – PROSECUTION WITHIN TIME FRAME – Where the Prosecution fails to prosecute the trial within the time frame laid down, a proper application may be made to discharge the accused – MISC OFFENCES TRIBUNAL V OKOROAFOR 2001 91 LRCN 3120.

CRIMINAL PROCEEDINGS – WHEN IT COMMENCES – It commences when an accused is arraigned on a charge or information – OYEDIRAN V REPUBLIC 1966 4 NSCCC 252 at 255; ASAKITUPI V STATE 1993 5 NWLR Pt. 296 641 at 652;
FAWEHINMI V I.A.P. 2002 98 LRCN 1165.

CRIMINAL LAW & PRACTICE – BURDEN OF PROOF – FAILURE OF PROSECUTION TO CALL MATERIAL WITNESS – The burden is on the prosecution to prove the case beyond reasonable doubt – STATE V AHIE 2000 80 LRCN 2513;
ASARIYU V STATE 1987 4 NWLR Pt. 67 709;
OMOGODO V STATE 1981 5 S.C. 5 at 21.

CRIMINAL PROCEDURE – TRIAL LANGUAGE – DUTY OF ACCUSED OR HIS COUNSEL – It is their duty to inform the court that he does not understand the language of the trial. Otherwise, he cannot complain – MADU V STATE 1997 46 LRCN 158; 1997 1 NWLR Pt. 482 306 at 402; 1997 1 SCNJ 44 at 54.

CRIMINAL PROCEDURE – RECORD THAT CHARGE WAS READ AND FULLY EXPAINED TO ACCUSED – Failure of the trial court to record same is not fatal because 2000 82 LRCN 3071 at 3077.

CRIMINAL PROCEDURE – INITIATING A CHARGE – FILING OF INFORMATION – The application which is made ex-party must be supported with facts to sustain a prima facie case – IKOMI V STATE 1986 3 NCR, ALR 341; OKOLI V STATE 1992 6 NWLR Pt. 247 381; ABACHA V STATE 2002 100 LRCN 1588.

CRIMINAL PROCEDURE – INFORMATION – APPLICATION TO QUASH – CONDITIONS – Where no prima facie case is made out, the Information can be quashed – ABACHA V STATE supra.

CRIMINAL PROCEDURE – CHARGES – MISJOINDER – ACCESSORY AFTER THE FACT OF AN OFFENCE – ABACHA V STATE 2002 supra.

CRIMINAL PROCEDURE – CHARGE READ TO ACCUSED & EXPLAINED – S. 215 C.P.A – Failure to record the fact that the charge was read and explained to the accused is not fatal – EYISI V STATE 2000 15 NWLR Pt. 691, 555; DUROWODE V STATE 2000 15 NWLR Pt. 691 467; AKPAN V STATE 2002 1000 LRCN 1744.

CRIMINAL PROCEDURE – PROOF – DOUBTS – Where an accused is jointly tried with another or others and their case is interwoven, the conviction of one cannot stand where the other(s) was acquitted and discharged – ABUDU V STATE 1985 1 NWLR Pt. 1, 55; KALU V STATE 1988 4 NWLR Pt. 90, 503; AKPAN V STATE 2002 100 LRCN 1744.

CRIMINAL PROCEDURE – TRIAL WITHIN TRIAL – The onus is on the prosecution should testify first – EMEKA V STATE 2001 88 LRCN 2343; AUTA V STATE 1975 4 S.C 125.

CRIMINAL PROCEDURE – S.215 C.P.L – Failure to comply with S.215 C.P.L renders the trial a nullity – YAHABA V STATE 2002 94 LRCN 106.

CRIMINAL PROCEDURE – PLEA OF GUILTY – Discharges the burden of proof on the prosecution – RV WILSON 1959 4 FSC 175; DONGTOE V CSC 2001 86 LRCN 1204.

CRIMINAL PROCEDURE – VALID PLEA – S.215 & 215 CPA – MANDATORY – TOBBY V STATE 2001 86 LRCN 1387.

CRIMINAL PROCEDURE – PLEA – NOT PROPERLY TAKEN – S.215 CPA – S.36 (6) a 1999 CONSTITUTION – Trial is a nullity – RUFAI V STATE 2001 89 LRCN.

CRIMINAL LAW – ATTEMPT – ELEMENTS – ATTEMPTED RAPE – ELEMENT – JEGEDE V STATE 2001 89 LRCN 2518.

CRIMINAL PROCEDURE – ARRANGEMENT – ESSENTIALS OF VALIDITY – ADENIJI V STATE 2001 87 LRCN 1970

CRIMINAL PROCEDURE – CHARGE – NEED TO EXPLAIN IN LANGUAGE OF ACCUSED – Where the Accused understands English, no need to record explanation of charge to him – ADENIJI V STATE supra P. 1973 – 74.

CRIMINAL APPEAL – OMNIBUS GROUND DEFECTIVE – The omnibus ground should not carry the phrase “weight of evidence”. If the omnibus ground is defective, the additional grounds cannot stand on it – ADIO V STATE 1956 4SC 194 at 203 – 204.

CRIMINAL APPEAL – OMNIBUS GROUND – WHEN IT CAN BE URGED

– Where there is no evidence at all or where the evidence is incapable of belief

– NUMA ALLI V STATE 1988 1 S.C 35 at 55.

CRIMINAL PROCEDURE – SOLE WITNESS – DISCRETION OF

PROSECUTOR – ODUNEYE V STATE *supra* Rat. 6, 7