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; ASAKITIPI V STATE 1993 5 NWLR Pt. 296 641 at 652; FAWEHINMI V I.A.P. 2002 98 LRCN 1165.


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 EXPLAINED 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 – 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 100 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 – 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 grands 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 – ODUNYE V STATE supra Rat. 6, 7