

## INTRODUCTION TO CRIMINAL LITIGATION

### OUTCOMES

At the end of this lesson, students would be able to:

1. Discuss the scope of Criminal Litigation course
2. List and compare the laws/rules applicable governing criminal proceedings before various courts and in various parts of Nigeria
3. Identify and explain the sources of laws regulating criminal litigation in Nigeria
4. Explain the types, sittings and settings of courts.

### CONTENTS

1. Introduction to Criminal Litigation
2. Sources of the laws governing criminal proceedings
3. Laws/rules applicable in various and in various parts of Nigeria: ACJL Lagos 2021; ACJA 2015.  
Note s.493 ACJA 2015; ACJL Kano 2019.
4. Types, sittings, and settings of criminal courts.

### PRE-CLASS ACTIVITIES

#### Facts

Alhaji Afam Kale Musa, a goat farmer, is a respected elder in the village of Idu, near Abuja. He came to your office, "Adewale & Co.", on Monday, 14<sup>th</sup> April 2025, visibly distressed. He informed you that ten of his prized goats, worth a substantial sum, have been stolen. He suspects his neighbour, Otafu Okon alias Otapiapia with whom he has had a long-standing land dispute. Alhaji Musa is alleging that that Otafu threatened him recently, saying, "You'll pay for this, old man! Your goats will vanish!"

#### Tasks

1. Write short legal opinions advising Alhaji Musa on each of the following issues
  - (a) The area of law involved in his case
  - (b) The various stages the case will likely go through from his report at your office to conclusion.
  - (c) The statutes, subsidiary legislations and other laws that may apply to the case, classifying each either as a primary or secondary source. What if the case had arisen in Jigawa or Abeokuta or had involved the use of cocaine?
  - (d) What will happen if an issue arises in the case which is not expressly provided for in any of the statutes/subsidiary legislations?
  - (e) If the case goes to court, the types, sittings and settings of the courts before which the case may come up.

2. Prepare to demonstrate the settings of different courts of criminal jurisdiction in Nigeria.

**Instructions:**

- (a) All groups must be ready to make presentation in class in respect of all the items as any group or group member may be called upon for presentation on any of the items.**
- (b) Hard copy of the presentations shall be submitted in file jackets to the tutors latest by 9.00 am on the day of the lecture.**

**Points of interest**

**1. Scope of Criminal Litigation (Outcome 1):**

- As you listen to Alhaji Musa, you must determine if his complaint falls within the scope of criminal litigation. You will need to consider whether the alleged theft constitutes a criminal offence under Nigerian law (e.g., theft under the Penal Code applicable in the FCT). What if the case had occurred in any other part of the country?
- You must consider the scope of your work as a criminal litigator, which includes:
  - Advising the client on the law and procedure.
  - To which agency of government should the matter be reported?
  - Should your client report to the Police, army, vigilante? Should you as a lawyer draft a petition to the Police?
  - What would the police do after receiving the report?
  - How would the suspect be taken to court?
  - You must understand the roles of the police, prosecutors, and the judiciary.

**3. Applicable Laws and Rules (Outcome 2):**

- You'll need to identify the relevant legal framework:
  - The Penal Code Act for the FCT (as it is within the northern region of Nigeria)
  - The Administration of Criminal Justice Act, 2015 (ACJA)
  - The Constitution of the Federal Republic of Nigeria, 1999 (as amended)
  - Police Act 2020, for understanding Police powers.
  - Antitorture Act, 2017
  - Evidence Act, 2011

**4. Sources of the Laws of Criminal Litigation**

**1. PRINCIPAL/PRIMARY ENACTMENTS**

- (a) The Administration of Criminal Justice Act, 2015
- (b) Administration of Criminal Justice Law Lagos 2015
- (c) The Administration of Criminal Justice Law (Amendment) 2021
- (d) Administration of Criminal Justice Law Kano 2019

2. SECONDARY ENACTMENTS

- a) Constitution of the Federal Republic of Nigeria, 1999 (as amended)
- (b) Magistrate Court Law, 2009 Lagos
- (c) High Court Law Lagos
- (d) Federal High Court Act Cap F12 LFN 2004
- (e) Court of Appeal Act Cap C 36 LFN 2004
- (f) Supreme Court Act Cap S. 15 LFN 2004
- (g) High Court of Lagos (Appeal Rules) 2004
- (h) Court of Appeal Rules 2021
- (i) Supreme Court Rules 2024
- (j) Children and Young Persons Laws
- (k) Coroners Laws
- (l) Armed Forces Decree No. 105 of 1993
- (m) Police Act Cap P19 L.EN. 2020
- (n) National Industrial Court Act 2006
- (o) Practice Directions

3. WHERE THERE IS NO EXPRESS PROVISION IN THE LAWS

Sections S. 262 ACJL, and S. 492(3) ACJA; 467(g) Kano

4. JUDICIAL INTERPRETATION OF ENACTMENTS.

Bank of England v. Vagliano Brothers – (1891) A.C; 107 at P. 144 – 145.