

€ Annexure A<sup>s</sup>

**Kwara State Administration**

**of Criminal Justice Bill**

**ARRANGEMENT OF SECTIONS**

**SECTION**

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# Kwara State Administration of Criminal Justice Bill

## A Bill

## For

A Law to provide for the Administration of Criminal Justice in all the Courts of Kwara State and for related matters.

BE IT ENACTED by the Kwara State House of Assembly of Nigeria and by the authority of same as follows:-

[Commencement]

### **PART I—CHAPTER 1- PRELIMINARY**

1. This Law may be cited as the Kwara State Administration of Criminal Justice Law.
2. (1) The purpose of this Law is to ensure that the system of administration of criminal justice in Kwara State promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant, and the victim.  
  
(2) The courts, law enforcement agencies and other authorities or persons involved in criminal justice administration in Kwara State shall ensure compliance with the provisions of this law for the realization of its purposes.
3. All proceedings instituted, commenced or taken in accordance with the provisions of the Criminal Procedure Code Law or any other written law in respect of any criminal case or matter pending at the date of the coming into force of this Law shall be valid and effectual and shall be continued in accordance with the provisions of the Kwara State Administration of Criminal Justice Law or such other written law.
4. Nothing in this Law shall affect the status, appointment or tenure of office of:-
  - (a) any magistrate appointed as such within the State before the commencement of this Law, and such magistrate shall be deemed to have been appointed as such under this Law and shall exercise his duties in the magistrates' courts established under this Law in the district in which he was serving before the commencement of this Law, and shall thereafter be subject to the provisions of this Law;
  - (b) any officer performing duties in connection with a court constituted under any written law before the commencement of this Law, and such officer shall be deemed to have been appointed as such under this Law and shall thereafter be subject to the provisions of this Law.
- 5 (1) All offences under the Penal Code shall be investigated, inquired into and otherwise dealt with according to the provisions contained in the Administration of Criminal Justice Law.  
  
(2) All offences against any other law shall be investigated, inquired into, tried and otherwise dealt with according to the same provisions, but subject to any law for the time being in

force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences

6. The powers of the Attorney-General under this Law may be exercised by him in person or through members of his staff acting under him and in accordance with his general or special instructions.

**PART II**  
**CHAPTER II**  
**THE CONSTITUTION AND POWERS OF CRIMINAL COURTS**

7. There shall be nine classes of criminal courts in the State namely:-

- (1) the High Court;
- (2) courts of Chief Magistrates of the first grade;
- (3) courts of Chief Magistrates of the second grade;
- (4) courts of senior magistrates of the first grade;
- (5) courts of senior magistrates of the second grade;
- (6) courts of magistrates of the first grade;
- (7) courts of magistrates of the second grade;
- (8) courts of magistrates of the third grade;
- (9) Area Courts deemed to have been established in the State under any law.

8. The Chief Judge may:-

- (a) divide the State, or any portion thereof, into magisterial districts for the purposes of establishing magistrates' courts;
- (b) constitute any part of the State a magisterial district for the purpose of establishing a magistrate's court;
- (c) distinguish such magisterial districts by such names or numbers as he may think proper; and
- (d) Vary the limits of any such magisterial districts.

9 (1) In each magisterial district there shall be and there is hereby established a court, to be called the magistrate's court.

(2) A magistrate's court shall have such jurisdiction as is conferred upon it by this Administration of Criminal Justice Law or any other written law subject nevertheless to the limitations imposed by the Constitution.

10. (1) Subject to the provisions of this Law:-

- (a) the magistrate of each magisterial district shall be the presiding magistrate of the court of such district where he shall have and exercise all the jurisdiction and powers conferred upon him by his appointment; and
- (b) no magistrate either as presiding officer or otherwise shall exercise any jurisdiction or powers in excess of those conferred upon him by his appointment.

(2) When the Chief Judge assigns two or more magistrates to any magisterial district, each magistrate shall be a presiding officer of the court of such district, and each sitting separately shall have and exercise all the jurisdiction and powers conferred upon him by his appointment.

11. (1) Magistrates shall be

- I. Chief Magistrates of the first grade
- II. Chief Magistrates of the second grade,
- III. Senior magistrates of the first grade
- IV. Senior magistrates of the Second grade,
- V. Magistrates of the first grade,
- VI. Magistrates of the second grade
- VII. Magistrates of the third grade.

(2) The Judicial Service Commission may appoint any person to the office of magistrate.

(3) The appointment of magistrates shall be made in compliance with the provisions of any law made by the House of Assembly.

12. Every magistrate shall have jurisdiction throughout the state unless his appointment is specifically limited to the area of any magisterial district, or group of magisterial districts.

13. Notwithstanding the provisions of section 12, a Chief Magistrate who is assigned to a group of magisterial districts may direct a magistrate in one district within the group to assist another magistrate within the group and may direct to the best advantage the movements of any additional magistrate within the group.

### CHAPTER III

#### THE POWERS OF CRIMINAL COURTS

14.(1) Subject to the other provisions of this Administration of Criminal Justice Law, any offence under the Penal Code may be tried by any court by which such offence is shown in the sixth column of Appendix A to be triable or by any court other than an area court with greater powers.

(2) Any offence under the Penal Code, other than sections 94(b), 97(1), 97(2), 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 274, 282, 283, 284, 294, 295, 301, 302, 304, 350, 357, 362, 363, 364, 365, 366, 367, 368, 369, 370 and 390, may be tried by any court by which such offence is shown in the seventh column of Appendix A to be triable or by any other court with greater powers.

(3) Subject to the provisions of subsection (2), the jurisdiction of establishing the courts shall be governed by the provisions of the Law.

15.—(1) Any offence under any law other than the Penal Code may be tried by any court given jurisdiction in that behalf in that "law or by any court with greater powers.

(2) When no court is so mentioned such offence may be tried by the High Court or any

court constituted under this Administration of Criminal Justice Law:

Provided that in trying any such offence:-

- (a) a Chief Magistrate of the first grade shall not try an offence punishable with imprisonment for a term which may exceed fourteen years or with fine exceeding Sixty thousand naira;
- (b) a Chief Magistrate of the second grade shall not try an offence punishable with imprisonment for a term which may exceed twelve years or with a fine exceeding Fifty thousand naira;
- (c) a senior Magistrate of the first grade shall not try an offence punishable with imprisonment for a term which may exceed Ten or with a fine exceeding Forty thousand naira;
- (d) a Senior Magistrate of the second grade shall not try an offence punishable with imprisonment for a term which may exceed Eight years or with a fine exceeding Thirty thousand naira;
- (e) a Magistrate of the first grade shall not try an offence punishable with imprisonment for a term which may exceed Six years or with fine exceeding twenty thousand naira;
- (f) a Magistrate of the second grade shall not try an offence punishable with imprisonment for a term which may exceed Four years or with fine exceeding ten thousand naira;
- (g) a Magistrate of the third grade shall not try an offence punishable with imprisonment for a term that may exceed Two years or with fine exceeding five thousand naira;

(3) Nothing in subsection (2) shall be deemed to confer upon any court any jurisdiction in excess of that conferred upon that court by sections 17 to 23.

16. The High Court may pass any sentence authorised by law.

17.(1) A Chief Magistrate of the first grade may pass the following sentences:

- (a) imprisonment for a term not exceeding ten years;
- (b) fine not exceeding sixty thousand naira;
- (c) caning; and
- (d) detention under section 71 of the Penal Code.-

(2) A Chief Magistrate of the second grade, may pass the following sentences:

- (a) imprisonment for a term not exceeding eight years;
- (b) fine not exceeding fifty thousand naira;
- (c) Caning, and
- (d) detention under section 71 of the Penal Code.

(3) A Senior Magistrate of the first grade may pass the following sentences:

- (a) imprisonment for a term not exceeding six years;
- (b) fine not exceeding forty thousand naira;
- (c) caning; and
- (d) detention under section 71 of the Penal Code.

(4) A Senior Magistrate of the second grade may pass the following sentences;

- (a) imprisonment for a term not exceeding Five years;

- (b) fine not exceeding thirty thousand naira;
- (c) caning; and
- (d) detention under section 71 of the Penal Code.

(5) A Magistrate of the first grade may pass the following Sentence

- (a) imprisonment for a term not exceeding Four years;
- (b) fine not exceeding twenty thousand naira;
- (c) caning; and
- (d) detention under section 71 of the Penal Code.

(6) A Magistrate of the second grade may pass the following sentences:

- (a) imprisonment for a term not exceeding Three years;
- (b) fine not exceeding ten thousand naira;
- (c) caning; and
- (d) detention under section 71 of the Penal Code.

(7) A Magistrate of the third grade may pass the following sentences:

- (a) imprisonment for a term not exceeding twelve months;
- (b) fine not exceeding five thousand naira;
- (c) caning; and
- (d) detention under section 71 of the Penal Code.

18. The Governor may, on the recommendation of the Chief Judge increase the jurisdiction in criminal matters of any magistrate to such extent as the Chief Judge may on the recommendation specify and the increase of jurisdiction may at any time be revoked by the Governor.

19. Any court may pass any Lawful sentence combining any of types of sentences which it is authorised by law to pass.

20. Any court may award any term of imprisonment in default of payment of a fine which is authorised by section 74 of the Penal Code:

Provided that the term of imprisonment shall not be in excess of the powers of the court under section 17.

21. (1) Where a court has authority under any written law to impose imprisonment for any offence and has no specific authority to impose a fine for that offence, the court may in its discretion impose a fine in lieu of imprisonment.

(2) The amount of the fine shall not be in excess of the power of the court to impose fines under section 17.

(3) No terms of imprisonment imposed in default of payment of such fine shall exceed the maximum fixed in relation to the amount of the fine by section 74 of the Penal Code.

(4) In no case shall any term of imprisonment imposed in default of payment of such fine exceed the maximum term authorised as punishment for the offence by the written law.

(5) The provisions of this section shall not apply in any case where a written law provides a minimum period of imprisonment- to be imposed for the commission of an offence.

22. (1) When a person is convicted at one trial of two or more distinct offences, the court may,



subject to the provisions of section 76 of the Penal Code, sentence him for such offences to the several punishments prescribed which such court is competent to inflict; such punishments, when consisting of imprisonment, to commence the one after the expiration of the other in such order as the court may direct, unless the court directs that such punishments shall run concurrently.

(2) In cases falling under this section, a court shall not be limited by the provisions of section 17 but a court shall not impose consecutive sentences exceeding in the aggregate twice the amount of punishment which it is in the exercise of its ordinary jurisdiction competent to inflict.

23. A court may, whether the defendant is discharged or not, bind over the complainant or defendant, or both, with or without sureties, to be of good behaviour and may order any person so bound, in default of compliance with the order, to be imprisoned for a term not exceeding three months in addition to any other punishment to which that person is liable.

### **PART III**

#### **CHAPTER IV - ARREST AND PROCESS**

##### **A- ARREST**

24. (1) A suspect or defendant alleged or charged with committing an offence established by a Law of the House of Assembly shall be arrested, investigated, inquired into, tried or dealt with according to the provisions of this Law, except otherwise provided under this Law.

(2) A person shall not be arrested in place of a suspect.

25. In making an arrest, the police officer or other persons making the arrest shall actually touch or confine the body of the suspect, unless there is a submission to the custody by word or action.

26. A suspect or defendant may not be handcuffed, bound or be subjected to restraint except:

- (a) there is reasonable apprehension of violence or an attempt to escape;
- (b) the restraint is considered necessary for the safety of the suspect or defendant; or
- (c) by order of a court.

27. (1) Except when the suspect is in the actual course of the commission of an offence or is pursued immediately after the commission of an offence or has escaped from lawful custody, the police officer or other persons making the arrest shall inform the suspect immediately of the reason for the arrest.

(2) The police officer or the person making the arrest or the police officer in charge of a police station shall inform the suspect of his rights to:-

(a) remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice;

(b) consult a legal practitioner of his choice before making, endorsing or writing any statement or answering any question put to him after arrest; and,

(c) free legal representation by the Legal Aid Council of Nigeria, office of public Defender and such bodies providing similar services to the public where applicable:

Provided the authority having custody of the suspect shall have the responsibility of notifying the next of kin or relative of the suspect of the arrest at no cost to the suspect.

28. (1) Where a suspect is arrested, whether with or without a warrant, and taken to a police station or any other agency effecting the arrest, the police officer making the arrest or the officer in charge shall cause to be taken immediately, in the prescribed form, the following record of the suspect arrested:

(a) the alleged offence;

(b) the date and circumstances of his arrest;

(c) his full name, occupation, residential address and telephone number; and

(d) for the purpose of identification:

(i) his height,

(ii) his photograph,

(iii) his full fingerprint impressions, or

(iv) such other means of his identification.

(2) The process of recording in subsection (1) of this section shall be concluded within a reasonable time of the arrest of the suspect, but not exceeding 48 hours.

(3) Any further action in respect of the suspect arrested pursuant to subsection (1) of this section shall be entered in the record of arrests.

(4) Where a suspect who is arrested with or without a warrant volunteers to make a confessional statement, the police officer shall ensure that the making and taking of the statement shall be in writing and may be recorded electronically on a retrievable video compact disc or such other audio visual means.

(5) Notwithstanding the provision of subsection (4) of this section, an oral confession of arrested suspect shall be admissible in evidence.

29. (1) A suspect shall:

(a) be accorded humane treatment, having regard to his right to the dignity of his person; and

(b) not be subjected to any form of torture, cruel, inhuman or degrading treatment.

(2) A suspect shall not be arrested merely on a civil wrong or breach of contract.

(3) A suspect shall be brought before the court as prescribed by this law or any other written law or otherwise released conditionally or unconditionally.

(4) The arraignment and trial of a suspect for a crime shall be in accordance with the provisions of this Law unless otherwise stated in this law.

30. Any police officer may arrest:

- (a) any person who commits an offence in his presence notwithstanding any provision in the third column of Appendix A that an arrest may not be made without a warrant;
- (b) any person for whose arrest a warrant has been issued or whom he is directed to arrest by a superior court or superior police officer.;
- (c) any person who has been concerned in an offence for which, in accordance with the third column of Appendix A or under any other Act or Law for the time being in force in any part of Nigeria, the police may arrest without warrant, or against whom a reasonable complaint has been made or credible information has been received or reasonable suspicion exists of his having been so concerned;
- (d) any person the order for whose discharge from prison has been cancelled by a judge of the High Court for failure to furnish security;
- (e) any person whom he reasonably suspects to be designing to commit an offence for which the police may arrest without a warrant, if it appears to him that the commission of the offence cannot be otherwise prevented;
- (f) any person required to appear by a public summons published by any court.
- (g) any person found taking precautions to conceal his presence in suspicious circumstances or who being found in suspicious circumstances has no ostensible means of subsistence or cannot give a satisfactory account of himself;
- (h) any person in whose possession property is found which may reasonably be suspected to be stolen property or property in respect of which an offence has been committed under sections 115,116,118, 119, 120, 121, 122, 168 or 169 of the Penal Code, or who may reasonably be suspected of having committed an offence with reference to such property;
- (i) any person who obstructs a police officer while in the execution of his duty;
- (j) any person who has escaped or attempts to escape from lawful custody;
- (k) any person reasonably suspected of being a deserter from any military force for the time being serving in Nigeria;
- (l) any person who in his presence has committed or been accused of committing any offence for which the police may not, according to the third column of Appendix A arrest without a warrant if, on his demand, such person refuses to give his name and address or gives a name and address which he believes to be a false one;
- (m) any person failing to obey a direction of the Governor issued under section 302.

31. Any police officer may require any person whom he has reasonable grounds for suspecting to have committed an offence of any kind to furnish him with his name and address, and he may require any such person to accompany him to the police station.

32. Any private person may arrest:-

- (a) any person for whose arrest he has a warrant or whom he is directed to arrest by a court or a superior police officer.
- (b) any person who has escaped from his lawful custody;
- (c) any person required to appear by a public summons published by a court
- (d) any person committing in his presence an offence for which the police are authorised to arrest without a warrant.

33. A superior police officer may at any time arrest or direct the arrest in his presence of any person for whose arrest a warrant might lawfully be issued.

34. If a person liable to arrest resists the endeavour to arrest him or attempts to evade the arrest, the person authorised to arrest him may use all means necessary to effect the arrest.

35. The person making an arrest may take from the person arrested any offensive weapon which he has about his person and shall deliver all weapons so taken to the court or officer before whom the person arrested is required by the warrant of arrest or by this Law to be produced..

36. Every person is bound to assist a police when public officer or other person reasonably demanding his aid in arresting or preventing the escape of any person whom such police officer or other person is authorised to arrest.

37.(1) If anyone who is authorised to arrest any person has reason to believe that such person has entered into or is within any place, he may enter such place and there search for the person to be arrested.

(2)The person residing in or being in charge of such place shall on demand allow free access into and afford all reasonable facilities for search.

(3)If on demand such access is refused, the person authorised to make the arrest may effect an entry by force.

(4)The provisions of this section shall be subject to the provisions to any law relating to searches in a woman's quarters.

38. Any police authorised to effect the arrest of any other person may for the purpose of effecting the arrest pursue him into any part of the Nigeria.

39. Any police officer or other person authorised to make an arrest may break out of any place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

#### ***B-Procedure after Arrest***

40. (1) Any person, except a police officer making an arrest without a warrant shall without unnecessary delay take the person arrested to the nearest police station or hand him over to a police officer.

(2) Where the arrested person appears to be one whom a police officer is authorised to

arrest, the police officer shall re-arrest him; otherwise the arrested person shall be at once released.

41. (1) A police officer making an arrest or to whom a private person hands over the suspect, shall immediately record information about the arrested suspect and an inventory of all items or property recovered from the suspect.

(2) An inventory recorded under subsection (1) of this section shall be duly signed by the police officer and the arrested suspect, but the failure of the arrested suspect to sign the inventory shall not invalidate it.

(3) The arrested suspect, his legal practitioner or such other person, as the arrested suspect may direct, shall be given a copy of the inventory.

(4) Where any property has been taken under this section from an arrested suspect, a police officer may, upon request by either the owner of the property or parties having interest in the property, release such property on bond pending the arraignment of the arrested suspect before a court.

(5) Where a police officer refuses to release the property to the owner or any person having interest in the property under subsection (4) of this section, the police officer shall make a report to the court of the fact of the property taken from the arrested suspect and the particulars of the property.

(6) The court to which a report is made under subsection (5) of this section, may, if it is of the opinion that the property or any portion of it can be returned in the interest of justice to the safe custody of the owner or person having interest in the property, direct that the property or any portion of it be returned to the owner or to such person having interest in the property.

(7) Where any property has been taken from a suspect under this section, and the suspect is not charged before a court but is released on the ground that there is no sufficient reason to believe that he has committed an offence, any property so taken from the suspect shall be returned to him, provided the property is neither connected to nor a proceed of offence.

42. A police officer making an arrest without warrant or a re-arrest under section 42 shall without unnecessary delay take or send the person arrested before a court competent under Chapter XV to take cognizance of the case.

43. Any person arrested for refusing to give his name and address or for giving a false name or address shall —

(a) where he is found to have given his true name and address, be released;

(b) when his true name and address are ascertained, be released on his executing a bond, with or without sureties, to appear before a court if and when required;

(c) should his true name and address not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond or, if so required, to furnish sufficient

sureties, be forthwith brought before the nearest court competent under Chapter XV to take cognizance of the case.

44. A police officer shall not detain in custody a person arrested without warrant for a period longer than in the circumstances reasonable; and such period shall not, in the absence of an order of a court under section 130, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the court and of any intervening public holiday.

45. An officer in charge of a police station shall make a report every month (30 days) of all arrests made within his jurisdiction or division to the chief magistrates of the division so delegated.

Provided that an arrested person shall not continue to so be detained in custody in breach of the provision of section 46 of this law.

46. (1) A police officer making the arrest or whom the private person hands over a suspect may search the suspect using such force as may be reasonably necessary for the purpose;

(2) A police officer searching a person shall place in safe custody such articles, other than necessary wearing apparel, and shall make a list of the same, and shall permit the arrested person to retain all articles not so placed in safe custody.

(3) Where the arrested person is a woman, the search shall not be made except by a woman.

47. No person who has been arrested by a police officer or re-arrested under section 42 shall be discharged except on his own bond or on bail or under the special order of a court.

48. (1) A register of arrest shall be kept in the prescribed format at every police station and every arrest made within the local limits of the station shall be entered therein by the officer in charge of the police station so soon as the arrested person is brought to the station.

## **CHAPTER V—PROCESSES TO COMPEL APPEARANCE**

### **A-SUMMONS**

49. In this chapter; "E-service" means service through online tools such as e-mails, WATSHAPP, BBM, MMS, etc.

50. (1) A summons to appear or attend before a court may be issued by any court competent to inquire into an offence.

(2) Every summons so issued shall be in writing, in duplicate and signed or sealed by the court.

51. The summons shall be served by a police officer or by any officer of the court issuing it or other public servant who, under any law for the time being in force, may be authorised to serve summonses.

52. (1) The summons shall if practicable be served personally summoned by delivering or tendering to him one of the duplicates of the summons.

(2) The person served shall, if so required by the serving officer, sign or make his mark on the back of the other duplicate.

53. Service of a summons on an incorporated company or other body corporate may be effected by service on the secretary, local manager or other principal officer of the corporation at any office of the corporation in the State.

54. Service of a summons on a local government shall be effected in accordance with the provisions of the Local Government Law.

55 Where service in the manner provided by this law cannot, by the exercise of due diligence, be effected, the serving officer may, with the leave of the court ,

(a) affix one of the duplicates of the summons to some conspicuous part of the premises or place in which the individual to be served ordinarily resides or works, or

(b) through e-service.

and on doing so the summons shall be deemed to have been duly served.

56. Where the person on or with whom a summons is served or left is unable to sign his name or make his mark, the summons shall be served or left in the presence of a witness in addition to filing an affidavit of service.

57. A summons required to be served outside the local limits of the jurisdiction of the court issuing it shall be sent in duplicate to a court within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

58. An affidavit or declaration purporting to be made before a Judge of court by the serving officer or by a witness to the service that a summons has been served and a duplicate of the summons purporting to be endorsed, in manner provided by section 52 or section 55, by the person to whom it was delivered or tendered or with whom it was left shall be admissible in evidence and the statements made in it shall be deemed to be correct unless and until the contrary is proved.

### ***B-Warrant of Arrest***

59. (1) Every warrant of arrest issued under this law by a court or shall be in writing, signed or sealed by the court.

(2) Every such warrant shall remain in force until it is cancelled by the court issuing it or until it is executed.

60. (1) A court issuing a warrant for the arrest of any person shall have discretion to direct by endorsement on the warrant that, if such person executes a bond with sufficient sureties for his attendance before the court at a specified time and thereafter until otherwise directed, the person to whom the warrant is directed shall, on receiving security, release such person from custody.

(2)The endorsement referred to in subsection (1) shall state:-

(a) the number of sureties;

- (b) the amount in which the sureties and the person for whose arrest the warrant is issued are to be respectively bound; and
- (c) the time and place at which the person for whose arrest the warrant is issued is to attend.

(3) Whenever security is taken under this section, the person to whom the warrant is directed - shall forward the bond to the appropriate court.

61. (1) A warrant of arrest shall be directed to one or more police officers or other public servants who may be authorised to make an arrest, but the court issuing the warrant may, if its immediate execution is necessary and no police officer or other public servant so authorised is immediately available, direct it to any other person or persons.

(2) When a warrant is directed to more persons than one, it may be executed by all or by any one or more of them.

62. A warrant of arrest directed to a police officer may also be, executed by any other police officer whose name is endorsed upon the warrant by the police officer to whom it is directed or endorsed.

63. The person executing a warrant of arrest shall notify the substance in it to the person to be arrested and, if so required, shall show him the warrant.

64. A warrant of arrest may be executed notwithstanding that it is not in the possession at the time of the person executing the warrant, but the warrant shall, on the demand of the person apprehended, be shown to him as soon as practicable after his arrest.

65. The person executing a warrant of arrest shall, subject to the provisions of section 60 as to security, without unnecessary delay bring the person arrested before the court specified in the warrant out delay warrant.

66. A warrant of arrest may be executed at any place in Nigeria.

67. (1) When a warrant of arrest is to be executed outside the local limits of the jurisdiction of the court issuing it, such court, instead of directing such warrant as laid down in section 61, forward it by post or otherwise to any court within the local limits of whose jurisdiction it is to be executed.

(2) Such court shall endorse the warrant and if practicable cause it to be executed in manner as provided in this law within the local limits of its jurisdiction.

68. When a warrant of arrest is to be executed beyond the local limits of the jurisdiction of the court issuing it, the person to whom it is directed shall take it for endorsement to a court within the local limits of whose jurisdiction the warrant is to be executed.

69. (1) When a warrant of arrest is executed outside the local limits of the jurisdiction of the court or issuing it, the person arrested shall, unless security is taken under section 60, be taken before a court within the local limits of whose jurisdiction the arrest was made and such court shall, if the person arrested appears to be the person intended by the court issuing the warrant, either:-



- (a) take security for his appearance in accordance with the provisions of Chapter XXIX or as directed by any endorsement of the warrant under section 61 and forward the bond or bonds to the court issuing the warrant; or
- (b) direct his removal in custody to such court.

(2) Notwithstanding the provisions of subsection (1), the arrested person may be taken directly before the court or issuing the warrant if this course is more convenient having regard to conditions of time, place and other circumstances.

70. Where a court has reason to believe, whether after evidence or not, that a suspect, against whom a warrant of arrest has been issued by itself or by any court, has absconded or is concealing himself so that the warrant cannot be executed, the court may publish a public summons in writing requiring that person to appear at a specific place and a specific time not less than 30 days from the date of publishing the public summons.

71. (1) A public summons shall be published in any of the following ways:

(a) in a newspaper that enjoys wide circulation or circulated in any other medium as may be appropriate;

(b) by affixing it to some conspicuous part of the house or premises or to some conspicuous place in the town or village, in which the person ordinarily resides; or

(c) by affixing a copy to some conspicuous part of the High Court or Magistrate's court building.

(2) A statement in writing from the Judge of the High Court or a Magistrate to the effect that the public summons was duly published on a specified day, shall be conclusive evidence that requirements of this section have been complied with and that the public summons was published on such day.

72. (1) A warrant of arrest may be executed on any day, including a Sunday or public holiday.

(2) A warrant of arrest may be executed by any police officer at any time and in any place in any State other than within the actual court room in which a court is sitting.

(3) The Police officer executing a warrant of arrest shall, before making the arrest, inform the suspect to be arrested that there is a warrant for his arrest unless there is reasonable cause for abstaining from giving the information on the ground that it is likely to occasion escape, resistance or rescue.

(4) A suspect arrested on a warrant of arrest shall, subject to the provisions of the Constitution of the Federal Republic of Nigeria, sections 42 and 43 of this Law, be brought before the court that issued the warrant of arrest.

### ***C-Public Summons and Attachment***

73 (1) A judge may at any time after action has been taken under section 70 order the attachment of any property, moveable or immovable or both, belonging to a person the subject matter of a public summons.

(2) An order under subsection (1) shall authorize any public servant named in it to attach any property belonging to a person the subject of a public summons within the area of jurisdiction of the judge by seizure or in any other manner in which for the time being property may be attached by way of civil process.

(3).Where a person the subject of a public summons does not appear within the time specified in the public summons, the property under attachment shall be at the disposal of the court; but it shall not be sold until the expiration of three months from the date of the attachment unless it is subject to speedy and natural decay or the judge considers that the sale would be for the benefit of the owner, in either of which cases the judge may cause it to be sold whenever he thinks fit.

74. Where within one year from the date of the attachment, any person whose property is or has been at the disposal of the court under section 73 appears voluntarily or being arrested is brought before a court and proves to its satisfaction that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant and that he had not such notice of the public summons as to enable him to attend within the time specified therein, that property, so far as it has not been sold and the net proceeds of any of it which has been sold shall, after satisfying all cost incurred in consequence of the attachment be delivered to him.

#### ***D—Other Rules regarding Process***

75. (1) A court empowered by this law to issue a summons for the appearance of any person may, after recording reasons in writing, issue a warrant for his arrest in addition to or instead of the summons:-

(a) where, whether before or after the issue of such summons, the court sees reason to believe that he has absconded or will not obey the summons; or

(b) where at the time fixed for his appearance he fails to appear and the summons is proved to have been duly served in time to admit of his appearing and no reasonable excuse is offered for his failure to appear.

(2) A court empowered by this law to issue a warrant for the arrest of any person may issue a summons in place of a warrant if it or he thinks fits.

76. When any person for whose appearance or arrest a summons or warrant may be issued is present before a court, the court may require him to execute a bond, with or without sureties, for his appearance before a court.

77. The provisions contained in this chapter relating to summonses and warrants and their issue, service and execution shall so far as may be applied to every summons and every warrant issued under this law.

**CHAPTER VI—MEANS TO SECURE THE PRODUCTION OR DISCOVERY OF  
DOCUMENTS OR OTHER THINGS AND FOR THE DISCOVERY AND  
LIBERATION OF PERSONS UNLAWFULLY CONFINED  
A—Summons to Produce**

78. When a court considers that the production of any document or other thing is necessary or desirable for the purpose of any investigation, inquiry, trial or other proceeding under this law by or before such court, the court may issue a summons to any person in whose possession or power the document or thing is believed to be, requiring him to attend and produce it, or to cause it to be produced at the time and place stated in the summons or order.

***B—Searches and Orders for Production and Liberation of Persons***

79. Where for any reason it appears to a court that it is impossible or inadvisable to proceed under section 78 or that a search or inspection would further the purposes of any investigation, inquiry, trial or other proceeding under this law, the court may issue a search warrant authorising the person to whom it is addressed to search or inspect the place or places mentioned in the warrant for any document or thing specified or for any purpose described in the warrant and to seize any such document or thing and to dispose of it in accordance with the terms of the warrant.

80.(1) Where an investigation under this law is being made by a police officer, he may apply to any Court within the local limits of whose jurisdiction he is, for the issue of a search warrant under section 79 above, and the Court before whom the application is made may issue the warrant when it appears to him that an offence is being investigated.

(2) There shall be a first information report as in sections 120 of this law, before a Court issues a second warrant under this section.

81.(1) Where upon information and after such inquiry, if any, as it thinks necessary a court has reason to believe that any place is used for the deposit or sale of stolen property or that there is kept or deposited in any place any property in respect of or by means of which an offence has been committed or which is intended to be used for any illegal purpose, the court may issue a search warrant authorizing any police officer:-

(a) to search the place in accordance with the terms of the warrant and to seize any property appearing to be of any description above mentioned and to dispose of it where necessary in accordance with the terms of the warrant; and

(b) to arrest any person found in the place and appearing to have been or to be a party to any offence committed or intended to be committed in connection with the property.

(2) In this section and section 82 "offence" includes an offence against a law of the Federation or of any State which would be punishable in the State if it had been committed in Nigeria.

82. (1) Where a court upon information and after such inquiry, if any, as it thinks necessary has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, it may issue a search warrant authorizing the person to whom it is

addressed to search for the confined person and to bring him before the court and upon the appearance of the confined person the court shall make such order as seems proper.

(2) Upon complaint made on oath to a court of the abduction for any unlawful purpose or of the unlawful detention of any person the court may after such inquiry, if any, as it thinks necessary, make an order for the production of that person or for the immediate restoration of that person to his liberty or if he is under fourteen years of age for his immediate restoration to his parent, guardian or other person having lawful charge of him and may compel compliance with an order made under this subsection using such force as may be necessary and upon the production of the person who is the subject of the order the court shall make such order as seems proper.

83. Searches under part B of this chapter shall, unless the court owing to the nature of the case otherwise directs, be made whenever possible in the presence of two respectable inhabitants of the neighbourhood to be summoned by the person to whom the search warrant is addressed.

(1) A list of all things seized in the course of search and of the places in which they are found shall be drawn up by the person carrying out the search and shall be signed or sealed by the witnesses.

84. Where any place to be searched is an apartment in the actual occupancy of a woman, not being the person to be arrested, who according to custom, does not appear in public, the person making the search shall, before entering the apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then enter the apartment.

85. The occupant of any place searched or some person on his behalf shall be permitted to be present at the search and shall, if he so requires, receive a copy of the list of things seized therein signed or sealed by the witness referred to in section 83.

86. (1) Where any person in or about a place which is being searched is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched

(2) A list of all things found on his person and seized shall be prepared and witnessed in manner mentioned in section 83 and a witnessed copy of the list shall be delivered to the person searched, if he so requires.

87. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

88. Every person executing a search warrant beyond the local limits of the jurisdiction of the court issuing it shall before doing so apply to some court within the local limits of whose jurisdiction search is to be made and shall act under its directions.

89. The provisions of section 37 as to access and all other provisions in this law contained as to warrants of arrest shall, so far as applicable, apply to search warrants,

90. Any court may, if it thinks fit, impound any document or thing produced before it under this law.

**PART IV—THE PREVENTION OF CRIME**  
**CHAPTER VII—SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR**

**A—Security for Keeping the Peace and for Good Behaviour on Conviction**

91. Whenever any person is convicted by a court of any offence involving or likely to cause a disturbance of the public peace or a breach of the peace and the court is of opinion that it is expedient to require that person to execute a bond for keeping the peace and being of good behaviour, it may at the time of passing sentence on such person order him to execute a bond for sum proportionate to his means and with or without sureties for keeping the peace and being of good behaviour for any period not exceeding three years in the case of the High Court and not exceeding two years in the case of any other court.

**B—Security for Keeping the Peace and for Good Behaviour in Other Cases**

92. (1) Whenever a court is informed that any person is likely to commit a breach of the peace or to disturb the public peace or to do any illegal act which may probably cause a breach of the peace or disturb the public peace, the court, may issue a summons requiring that person to attend before a court to execute a bond with or without sureties for keeping the peace or refraining from illegal acts likely to disturb the public peace for any period not exceeding one year or to show cause why he should not execute such bond.

(2) Proceedings shall not be taken under this section unless:-

- (a) the person informed against is in the State; and
- (b) either: -
  - (i) the person informed against is within the area of jurisdiction of the court before which he is required to attend; or
  - (ii) the place where the breach of the peace or disturbance is apprehended is within the area of jurisdiction of the court before which the person informed against is required to attend.

93. Whenever a court receives information that any person within the local limits of its jurisdiction:-

- (a) habitually commits any offence punishable under sections 273 to 281 of the Penal Code; or
- (b) is by habit a robber, house breaker or thief; or
- (c) is by habit a receiver of stolen property knowing the same to have been stolen; or
- (d) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property; or
- (e) habitually commits mischief, extortion or cheating or the counterfeiting of coin, notes or revenue stamps or attempts so to do; or
- (f) habitually commits or attempts to commit or abets the commission of offences involving a breach of the peace; or
- (g) is so desperate and dangerous as to render his being at large without security hazardous to the community, such court may issue a summons requiring that person to

attend before the court to execute a bond with sureties for his good behaviour for any period not exceeding two years or to show-cause, why he should not execute such bond.

94. Whenever it appears to a court acting under section 92 or section 93, as the case may be, upon the report of a police officer or upon other information that there is reason to fear the commission of a breach of the peace or disturbance of the public peace and that such breach of the peace or disturbance of the public peace cannot be prevented otherwise than by the immediate arrest of any person, such court shall record the substance of the report or information and may at any time issue a warrant for the arrest of such person and for his production before a court.

95. A court when issuing a summons or warrant under section 92, 93 or 94, as the case may be, shall therein set forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force and the number, character and class of sureties, if any, required.

96. (1) When any person has appeared or is brought before the court in compliance with a summons or warrant under section 92, 93 or 94, the court shall proceed to inquire into the truth of the information upon which action has been taken and to take such further evidence as may appear necessary.

(2) An inquiry under subsection (1) shall be made as far as practicable in the manner laid down in this law for conducting trials and recording evidence in summary trials by magistrates except that:-

- (a) no charge need be framed nor shall any witness be recalled for cross-examination except with the permission of the court; and
- (b) the court may refuse to release on bail any person arrested under section 95 unless he executes a bond to the nature specified in the warrant of arrest but limited in time to the conclusion of the inquiry.

(3) For the purposes of this section, the fact that a person is a habitual offender or is so desperate and dangerous as to render his being at large without security hazardous to the community may be proved by evidence of general repute.

97. (1) where on inquiry under section 96, it is proved that it is necessary for keeping the peace or preserving the public peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond with or without sureties the court shall make an order accordingly.

(2) Notwithstanding the provisions of subsection (1):-

- (a) no person shall be ordered to give security of a nature different from or of an amount larger than or for a period longer than any specified in the summons or warrant issued under section 92, 93, or 94;
- (b) the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive;
- (c) When the person in respect of whom the inquiry is made is under eighteen years of age, the bond shall be executed only by his sureties.

98. Where on inquiry under section 96 it is not proved that it is necessary for keeping the peace or preserving the public peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, the court shall make an entry on the record to that effect and if such person is in custody only for the purpose of the inquiry shall release him or if he is not in custody shall discharge him.

### **C—Proceedings in all Cases Subsequent to Order to Furnish Security**

99. (1) where any person in respect of whom an order requiring security is made under section 91 or section 97 is at the time the order is made subject to a sentence of imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

(2) In other cases the period for which security is required shall commence on the date of the order unless the court for sufficient reason fixes a later date.

100. The bond to be executed by any person in respect of whom an order requiring security is made under section 91 or section 97 shall bind him to keep the peace or to refrain from illegal acts likely to disturb the public peace or to be of good behaviour, as the case may be, and in the last case the commission or attempt to commit or the abetment of an offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

101. where any person ordered to give security under section 91 or section 97 does not give the security on or before the date of the commencement of the period for which the security is to be given, he shall be committed to prison or if he is already in prison be detained in prison until such period expires or until within such period he gives the security ordered.

102. (1) The court may refuse to accept any surety offered or any surety previously accepted on the ground that the surety is an unfit person for the purposes of the bond.

(2) Before so refusing to accept or before rejecting any such surety, the court shall hold an inquiry into his fitness and the court shall, before holding the inquiry, give reasonable notice to the surety and to the person by whom the surety was offered and shall in making the inquiry record the substance of the evidence adduced before it.

(3) where the court is satisfied after considering the evidence adduced before it that the surety is an unfit person for the purposes of the bond, it shall make an order refusing to accept or rejecting, as the case may be, such surety and record its reasons for so doing.

103. (1) Whenever a judge of a High Court is of opinion that any person imprisoned for failing to give security under this chapter may be released without hazard to the public or to any person, he may order the person imprisoned to be discharged.

(2) Whenever any person has been imprisoned for failure to give security under this chapter, a judge of the High Court may make an order reducing the amount of the security or the number of sureties or the time for which security has been required.

(3) An order under subsection (1) may direct the discharge of the person imprisoned either without conditions or upon any conditions which that person accepts.

(4) where any condition upon which any person imprisoned for failing to give security under this chapter is discharged is in the opinion of a judge of the High Court not fulfilled he may cancel the order of discharge and such person shall be recommitted to prison until the expiry of the period for which he was originally ordered to give security, unless before that time he gives such security.

104. A judge of High Court may at any time cancel any bond for keeping the peace or refraining from illegal acts likely to disturb the public peace or for good behavior executed under this chapter.

### **CHAPTER VIII- UNLAWFUL ASSEMBLY AND RIOTS**

105. A police officer of or above the rank of assistant superintendent or any officer of equivalent rank in the Nigerian security and Civil Defence Corp, or other similar bodies may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace to disperse; and it shall be the duty of the members of such assembly to disperse accordingly.

106. Where upon being commanded in accordance with the provision of section 105 any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace does not disperse or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, or if force or violence is used by it or by any member thereof in prosecution of the common object of such assembly, any police officer of or above the rank of assistant superintendent may proceed to disperse such assembly by force and may require the assistance of any person for the purpose of dispersing such assembly, and if necessary, arresting and confining the persons who form part of it in order to disperse such assembly or that they may be punished according to law and any such person whose assistance is so required shall be bound to render such assistance.

107. (1) No police officer acting under this chapter in good faith shall be deemed to have committed an offence.

(2). A prosecution against any officer or person mentioned in subsection (1) shall not lie without the consent of the attorney general of the state.

(3) No act lawfully done under this chapter shall be called in question in any civil proceedings.

### **CHAPTER IX—PUBLIC NUISANCES**

108. (1) Whenever a court considers on receiving a police report or other information and on taking such evidence, if any, as it thinks fit that an offence under section 191, 192, 194, 196 or 197 of the Penal Code is being committed, such court may make a conditional order requiring the offender within a time fixed in the order to cease committing such offence and to amend or remove the causes of the nuisance in such manner as in the order specified or to appear before the court at a time and place to be fixed by the order and apply to have the order set aside or modified in manner provided in this law.

109. (1) An order made under section 108 shall if practicable be served on the person against



whom it is made in manner provided for the service of a summons.

(2) Where an order referred to in subsection (1) cannot be served in the manner laid down in that subsection it may be served by registered letter through the post addressed to the person against whom it is made at his last known address or, if his last address is not known, then by affixing a notice in some conspicuous place in the town or village in or near which the nuisance or offence is being committed.

110. A person against whom an order under section 108 is made shall:-

- (a) perform within the time and in the manner specified in the order the act directed ; or
- (b) appear in accordance with the order and apply to have the same set aside or modified.

111. where a person against whom an order under section 108 is made does not perform the act specified in the order or appear and apply to have the order set aside or modified he shall be liable to the penalty prescribed in that behalf in section 152 of the Penal Code, and the order shall be made absolute.

112. (1) where a person against whom an order under section 108 is made appears and applies to have the order set aside or modified the court shall take evidence in the matter in the same manner as in a summary trial.

(2) where the court is satisfied that the order with or without modification is reasonable and proper the court shall make it absolute with such modification, if any, as the court shall think fit.

(3) where the court is not so satisfied it shall cancel the order.

113. (1) where the act directed by an order under section 108 which is made absolute under section 111 or subsection (2) of section 112 is not performed within the time fixed and in the manner specified therein, the court may cause it to be performed and may recover the cost of performing it either by the sale of any building, goods or other property removed by its order or by seizure and sale of any other movable property of the person against whom the order under section 108 was made in manner prescribed in this law for the recovery of a fine.

114.(1) where the court making an order under section 108 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, it may issue such further order to the person against whom the order was made as is required to obviate or prevent such danger or injury pending the determination of the matter.

(2) In default of the person referred to in subsection (1) obeying the further order referred to in that subsection or where notice of the order cannot by the exercise of due diligence be served upon him immediately, the court may use or cause to be used such means as it thinks fit to obviate the danger or to prevent the injury.

115. Any court may in any proceedings under this chapter or in criminal proceedings in respect of a public nuisance order any person not to repeat, or continue the public nuisance.

## CHAPTER X- PREVENTIVE ACTION BY POLICE AND PUBLIC

116. (1) A Judge, Magistrate, or District heads or any other public officer charged with responsibility for maintaining law and order may intervene for the purpose of preventing and shall, to the best of his ability, prevent the commission of an offence, for which he is authorised to arrest without a warrant or any damage to any public property, movable or immovable.

(2) A person is bound to assist a Judge or Magistrate or police officer or District heads or any other public officer reasonably demanding his aid:

(a) in preventing, and shall to the best of his ability, prevent the commission of an offence for which he is authorised to arrest without a warrant or any damage to any public property, movable or immovable;

(b) in the suppression of a breach of the peace or in the prevention of any damage to any property, movable or immovable or to any railway, canal, water supply, telecommunication system, oil pipeline or oil installation, or electrical installation; or

(c) in the prevention of the removal of any public landmark, buoy or other mark used for navigation.

## CHAPTER XI—DUTY OF PUBLIC AND OF DISTRICT HEADS TO GIVE INFORMATION

117. Every person:

(a) who has reason to believe that any other person has committed suicide or has been killed by another or by an \_ accident of any kind whatsoever or that a dead body has been found; or

(b) who is aware of the commission of or of the intention of any other person to commit any offence punishable under section 221, 224, 248(2), 250, 274, 278, 290, 298, 300, 301, 302, 305, 306, 307, 336, 337, 350, 351, 356 or 357 of the Penal Code shall in the absence of reasonable excuse, the burden of proving which shall lie upon the person making such excuse, to immediately give information to the nearest magistrates court or police officer of such death, dead body, commission or intention.

118. Every district head not being a person competent under this law to take cognizance of an offence shall immediately communicate to the nearest magistrates court , which shall then direct the appropriate police officer, having any information in his possession with respect to:-

(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property; or

(b) the resort to or passage through his village, ward or district of any person whom he knows or reasonably suspects to be a murderer, robber, escaped convict or person required to appear by a summons published under section 70; or

(c) the occurrence within his village, ward or district of the death of any person or the disappearance from his village, ward or district of any person in circumstances which lead to a reasonable suspicion that the death or disappearance is the result of an offence committed in respect of such person; or

(d) any matter likely to affect the maintenance of order or the prevention of crime or the safety of persons or property respecting which the magistrates court has directed

him to report.

119. (1) A district head to whom information has been given under paragraph (c) of section 118 or who suspects the existence of such facts as are set out in that paragraph shall after forwarding the information either to the magistrates court which shall then direct the appropriate police officer, or in any other manner prescribed in that section, proceed to the place where the body of the deceased is and shall there, in the presence of two or more persons whom he shall summon for the purpose, and who also shall be bound to attend, make an investigation and draw up a report of the apparent cause of death describing such wounds, fractures and other marks of injuries as may be found on the body and stating in what manner or by what weapon or instrument those marks appear to have been inflicted and such other information relating to the death as he can discover.

- (2) Notwithstanding the provisions of subsection (1), when the police officer to whom direction has been given under paragraph (c) of section 118 undertakes the investigation the area head on being so notified shall cease further to investigate.
- (3) Where practicable the police officer making an investigation under subsections (1) and (2) shall be accompanied by a medical officer or dispensary attendant.
- (4) Where there is any doubt regarding the cause of death or where for any other reason the person making the investigation considers it expedient and practicable to do so or where the medical officer attending such investigation so directs, the body shall be brought to the nearest hospital or to some other convenient place for further examination.
- (5) Except in case of necessity, the burial shall not take place until leave has been obtained from a coroner.
- (6) The person making the investigation under this section shall have the powers and duties of a police officer under sections 123 and 124.
- (7) On completion of the investigation the police officer shall make a report in the relevant police diary.
- (8) Nothing in this section shall operate to relieve any police officer from any obligation or duty conferred upon him under Chapter XII to undertake and carry out any investigation.

## **PART V—INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE**

### **CHAPTER XII**

#### ***A—Procedure in Cases where the Police may Arrest without a Warrant***

120. (1) Where a complaint is brought before a police officer in charge of a police station concerning the commission of an offence and is one for which the police are authorised to arrest without a warrant, and triable by a magistrate court within which jurisdiction the police station is situated, the police shall, if the complaint is made orally, reduce the complaint or cause it to be reduced into writing in the Police Diary.

(2) The complaint, whether given in writing or orally shall be reduced in writing into the Police Diary and read or cause to be read over to the complainant and every such complaint

shall be signed by the officer receiving the complaint.

(3) Where on any other ground the officer in charge of a police station has reason to suspect the commission of an offence referred to in subsection (1), he shall enter or cause to be entered the grounds of his suspicion in a Police Diary.

(4) Where the officer is satisfied that no public interest may be served by prosecuting, he may refuse to accept the complaint provided that he notifies the complainant of his right to institute civil proceedings.

(5) Notwithstanding the provision of subsection (2) of this section, the officer in charge of a police station may, if in his opinion the matter might more conveniently be inquired into by an officer in charge of another police station, refer the complaint to such other police station.

(6) After complying with the provisions of subsection (3) of this section, the officer in charge of the police formation shall act as follows:

(a) he shall forthwith proceed to the scene and investigate the case and if the suspect is not in custody, take such steps as may be necessary for the discovery and arrest of the suspect or he may direct a police officer subordinate to him to do so and report to him;

(b) in cases involving death or serious injury to any person, the officer in charge of the police station shall arrange, if possible, for the person to be taken to the nearest hospital for such further examination as may be necessary;

(c) where the complaint is given against a person by name and the alleged offence is not of a serious nature, the officer in charge of a police formation need not make or direct investigation on the spot;

(d) in the cases mentioned in paragraph (c) of this subsection, the officer in charge of the police station shall record in the book referred to in subsection (2) and in the First Information Report to the court his reason for not entering on an investigation or for not making or directing investigation on the spot or not investigating the case;

(e) where after the investigation, it appears that the complaints against the suspect are unfounded, the investigation shall be terminated and this fact shall be recorded in the Police Diary mentioned in subsection (2) of this section; and

(f) where the officer considers that the prosecution of the alleged offence will serve the public interest, the officer shall reduce the complaint into the prescribed form called First Information Report and the officer shall take the alleged suspect with the First Information Report before a court within whose jurisdiction the police station is situated.

(7) Where the suspect appears or is brought before the court, the particulars of the offence of which he is accused shall be read to him and he shall be asked if he has any cause to show why he should not be tried by the court.

(8) Where upon hearing the information, the alleged suspect admits the commission of the offence contained in the First Information Report, his admission shall be recorded as near as possible in the words used by him and if he shows no sufficient cause why he should not be convicted, the court may convict him accordingly where it has summary jurisdiction.

(9) Where the suspect denies the allegation against him and states that he intends to show cause why he should not be convicted, the court shall proceed to hear the complainant and take such evidence as may be produced in support of the prosecution and the suspect shall be at liberty to cross-examine the witnesses for the prosecution and if he so does, the prosecutor may re-examine the witnesses where necessary.

(10) Where the evidence referred to in subsection (9) of this section has been taken or at any stage of the case, the court is of the opinion that there is ground that the suspect has committed an offence triable under this part, which such court is competent to try and which, in the opinion of the court, could be adequately punished, the court shall frame a charge stating the offence for which the suspect will either be tried by the court or direct that the suspect be tried in another court.

(11) Where in the proceeding before a court, the court, at any stage before judgment, is of the opinion that the case is one which ought to be tried by the High Court, he shall transfer the case along with the suspect to a High Court.

121. (1) Every officer in charge of a police station conducting an investigation under section 120, or any police officer deputed by the officer in charge of a police station to conduct such investigation, shall keep a case diary in which he shall set forth in chronological order: -

- (a) the time when he began his investigation;
- (b) any information received by him in connection with the investigation;
- (c) the time when such information reached him;
- (d) the places visited by him;
- (e) any action required to be taken or directions given by a court in the course of the police investigations or the inquiry by the court, and any facts ascertained as a result thereof;
- (f) any report made by any police officer acting on his instructions;
- (g) the statement of any witness, if reduced to writing;
- (h) a statement of the circumstances ascertained through his investigation;
- (i) the time when he closed the investigation.

(2) The First Information Report or a copy thereof shall in all cases be attached to and form part of the case diary.

122. (1) Nothing in any way included in or forming part of a case diary shall be admissible in evidence in any inquiry or trial unless it is admissible under the provisions of the Evidence Act or of this Law or of rules made there under, but:-

- (a) A court may if it thinks fit order the production of the case diary for its inspection under the provisions of section 145
- (b) the Attorney-General or officers of his department may at any time order the submission of the case diary to himself or any officer of his department.

(c) any relevant part of the case diary may be used by a police officer who made the same to refresh his memory if called as a witness.

(2) Save to the extent that:-

(a) anything in any way included in or forming part of a case diary is admitted in evidence in any inquiry or trial in pursuance of the provisions of subsection (1); or

(b) the case diary is used for the purposes set out in paragraph (c) of subsection (1), the defendant or his counsel may at any time before or during trial be permitted to call for or inspect such case diary or any part of the case diary.

123. (1) A police officer making an investigation under section 121 may require the attendance before him, of any person whose evidence appears likely to be of assistance in the case, and may examine such person orally and reduce same into writing.

(2) A person referred to in subsection (1) shall be bound to attend and to answer the questions put to him except that he shall be warned that he is not bound to answer if his answer would tend to expose him to a criminal charge or a penalty other than a charge of failing to give information under Chapter XI.

(3) No person giving evidence in an investigation under section 121 shall be required to take an oath.

124. (1) No Police officer or person in authority shall make use of any threat or of any promise of an advantage towards any person in an investigation under this chapter in order to influence the evidence he may give.

(2) No police officer or other person shall prevent any person from making in the course of the investigation any statement in accordance with any rules made under section 346 (Take note of the cross reference.) which of his own free will he may be disposed to make.

125. (1) where any person in the course of any investigation under section 121 or at any time after the close of the investigation but before the commencement of any trial confesses to the commission of an offence in connection with the subject matter of the investigation he may be taken before a superior police officer for his statement to be recorded and placed in the case diary.

(2) No oath shall be administered to any person making such confession.

(3) The record of such confession in the case diary shall be admissible as evidence against the person who made the confession and if so admitted shall be read out in court.

Provided that the court trying the case may if the court thinks fit either on the application of the defendant or his counsel or of its own motion call the superior police officer before whom confession was made to prove the circumstances in which it was recorded.

126. (1) where any person in the course of an investigation under section 121 or at any time after the close of the investigation but before the commencement of any trial confesses to the commission of an offence in connection with the subject matter of the investigation, a police

officer may, record such confession in the case diary in his own handwriting in the presence of the person making the confession and after reading over to that person such record shall require him to sign or seal it and the police officer shall also sign it.

(2) Subject to the provisions of the Evidence Act and of any rules made under paragraph (f) of subsection (1) of section 346 of this Law, the record of a confession in the case diary if made by a police officer in accordance with this section shall be admissible as evidence against the person who made the confession and if so admitted shall be read out in court.

127. (1) A person under arrest upon reasonable suspicion of having committed an offence punishable with imprisonment whose state of health is uncertain may be required by a superior police officer to submit to a medical examination by a medical officer.

(2) Such a medical examination shall only be required if it is so desirable in the interests of justice.

128. (1) A court holding a trial or a police officer conducting an investigation may cause the fingerprints, photograph or measurements of any person to be taken if satisfied that it is desirable in furtherance of the purposes of the trial, inquiry or investigation.

(2) All fingerprints, photographs or records or measurements taken under this section may be kept for six months but if not already destroyed shall then be destroyed unless the person in respect of whom they were taken has been convicted of an offence.

129. (1) Whenever it appears, that an investigation under section 121 cannot be completed within twenty-four hours of the arrival of the suspect at the police station, the officer in charge of the police station shall release or discharge him under section 165.

(2) The court may from time to time, on the application of the officer in charge of a police station, authorize the detention of the person under arrest in such custody as it thinks fit for a time not exceeding fifteen days, and shall record its reasons for so doing.

(3) Where the court refuses to authorize detention of the suspect under arrest it shall make an order of discharge under section 47.

(4) Where the police investigation is not completed within fifteen days and the court considers it advisable that the suspect, should be detained in custody pending further investigation it shall remand the suspect as provided in section 252.

130. (1) where in the course of an investigation under section 121 it appears to the officer in charge of a police station under whom an investigation is being made that such investigation should be terminated without a trial, he shall, after entering in the case diary a summary-of the case and his reasons for terminating the investigation, close the case diary and terminate the investigation:

Provided that nothing in this subsection shall prevent the officer in charge of a police station from re-opening the case diary and continuing the investigation if further information is given to him concerning the commission of the offence.

(2) When an investigation has been terminated or re-opened under the provisions of this section, the officer in charge of a police station shall inform the court and the court shall endorse the First Information Report the fact of such termination or re-opening and the reasons.

Provided that the court may, if it is not satisfied from the information given that the investigation has been properly terminated, order that the investigation be continued and the case diary be re-opened; and if the court shall think fit may send a copy of the First Information Report endorsed as aforesaid together with the reasons stated by the officer in charge of a police station to the Attorney-General with any comments that it may think fit to make.

(3) When any person has been taken into custody in the course of an investigation and such investigation has been terminated under the provisions of subsections (1) and (2) the officer in charge of a police station shall on such termination forthwith release him, or, if he has been remanded in custody by the court, shall cause an application to be made to the court for an order that such person be released.

(4) Nothing in this section shall affect the power of the police to release an arrested person under section 47.

131. Subject to Section 145, if upon an investigation under this Chapter, it appears to the officer in charge of a police station that there is sufficient evidence or reasonable ground or suspicion to justify sending the suspect to a competent court to take cognizance of the offence, he shall send the suspect to such court which may where applicable, fix a day for the trial or remand the suspect in custody or on bail as the case may be:-

- (a) for his appearance before such court on a day to be fixed and thereafter for his attendance from day to day before such court until otherwise directed; or –
- (b) for his appearance before another court having jurisdiction to try the offence.

132. (1) where under the provisions of section 130 the court fixes a day for a trial, the officer in charge of a police station shall subject to any orders or directions of the court:-

- (a) require the complainant, if any, and all persons likely to be required as witnesses to execute bonds without sureties to appear before the court as directed and to prosecute or give evidence, as the case may be, in the matter of the trial;
  - (b) arrange for the suspect whether in custody or on bail to be before the court on the day fixed for the trial;
- (2) A copy of a bond executed under subsection (1) shall be handed to the person executing the same and the original shall be forwarded to the court for filing.
- (3) Where any person required to execute a bond under this section refuses to do so, he may be taken in custody to the court which may order his detention until he executes the bond or until the hearing of the case is concluded.



## ***B-Procedure in Cases where the Police may not Arrest Without a Warrant***

133. (1) When any information is received by an officer in charge of a police station of facts pointing to the commission of an offence for which the police may not arrest without a warrant, he shall enter the substance of the information in a book in the form prescribed in accordance with subsection (1) of section 121 and either in a First Information Report or in such other report as may be prescribed in respect of the offence and thereupon refer the informant if other than a public servant acting in the exercise of his public duties, to a court and send the First Information Report or such other report to the same court on receipt of the report shall, if the police show sufficient cause, issue a warrant.

(2) No investigation of such an information shall be made by any police officer without the order of a court or superior police officer unless the circumstances appear to be such that the delay which would be caused by submitting the report may seriously prejudice the interests of justice, in which case the investigation may be commenced forthwith but a report shall be sent as soon as possible to a court or superior police officer giving the reasons for the action taken and on the receipt of the report, the court or superior police officer may give such orders or direction as he thinks fit.

(3) The functions conferred on a superior police officer by subsection (2) may be exercised by such other police officers as the Commissioner of Police for the State may appoint.

(4) Any investigation of such an information undertaken by a police officer either by an order of court or direction of a superior police officer under subsection (2) or without such order or direction under subsection (2) shall be conducted in such manner and with such powers as are set out in this chapter provided that no arrest of a suspected person shall be made without a warrant.

## **PART VI—PROCEEDINGS IN PROSECUTIONS CHAPTER XIII—PLACE OF TRIAL**

134. Every offence shall be tried by a court within the local limits of whose jurisdiction:-

- (a) the offence was wholly or in part committed, or some act forming part of the offence was done; or
- (b) some consequence of the offence has ensued; or
- (c) some offence was committed by reference to which the offence is defined; or
- (d) some person against whom, or property in respect of which, the offence was committed is found, having been transported there by the offender or by some person knowing of the offence.

*Illustrations, (a) A posts in Zaria a letter addressed to B in Kaduna threatening to accuse B of an offence in order to extort money from him.*

(a) *A stabs B at Zaria and B dies ten days later at Kaduna in consequence of the wound.*

(b) *A stabs B in Zaria abets an offence committed by B at Kaduna in consequence of the wound.*

(c) *A in Zaria abets an offence committed by B at Kaduna*

(d) *A abducts B at Zaria and carries him to Kaduna where he is found*

(e) *A steals property at Zaria and the property is taken by B, who knows it to be stolen, to Kaduna where it is found:*

*In all above cases A may be tried either at Zaria or at Kaduna.*

135. When it is uncertain in which of several districts an offence was wholly or in part committed, the offence may be tried by a court having jurisdiction over any of such districts.

136. An offence committed by a person while he is in the course of performing a journey or voyage may be tried by a court through or into the local limits of whose jurisdiction he, or the person against whom, or the thing in respect of which, the offence was committed, resides, is or passed in the course of that journey or voyage.

137. (1) Whenever a question arises as to which of two or more courts ought to try any offence it shall be decided by the Chief Judge.

(2) The Chief Judge of a High Court may, where it appears to him that the transfer of a case will promote the ends of justice or will be in the interest of the public peace, transfer any case from one court to another.

(3) The power of the Chief Judge referred to in subsection (1) of this section shall not be exercised where the prosecution has called witnesses.

(4) Where the Chief Judge is to exercise this power subsequent to a petition before witness(s) are called, the Chief Judge shall cause the petition to be investigated by an independent body of not more than three reputable legal practitioners within one week of receipt of such petition.

(5) The investigating body shall submit its report within two weeks of appointment except otherwise specified.

138. Subject to section 145, when a court has reason to believe that any person within, the local limits of its jurisdiction has committed without such limits an offence which cannot under the provisions of section 134 or any other law for the time being in force, be tried within such local limits but is under any law for the time being in force, triable in the Kwara State of Nigeria, it may take cognizance of the offence as if it had been committed within the local limits of its jurisdiction and compel such person in manner as provided by this law to appear before it and send him to a court having jurisdiction to try the offence, or, if the offence is bailable may take a bond with or without sureties for his appearance before such a court.

#### **CHAPTER XIV—SANCTIONS NECESSARY FOR THE INITIATION OF CERTAIN PROCEEDINGS**

139. (1) A court shall not take cognizance:-

(a) of any offence punishable under sections 134 to 152 of the Penal Code, except with the previous sanction or on the complaint of the public servant concerned or of some public servant to whom he is subordinate;

(b) of any offence punishable under section 155, 158, 159, 160, 161, 164, 165, 174, 175, 176, 179, 180 or 182 of the Penal Code when such offence is committed in or in relation to any proceeding in any court, except with the previous sanction or on the complaint of such court;

(c) of any offence described in section 363 of the Penal Code or punishable under section 366 or section 369 of the Penal Code, when such offence has been committed by a party to any proceeding in any court in respect of a document produced or given in evidence in such proceeding, except with the previous sanction or on the complaint of such court;

(d) of any offence punishable under paragraph (a) of section 111 of the Penal Code where the circumstances are such as to constitute an offence under section 6 of the Public Order Act, except with the sanction of the Attorney- General;

(e) of any offence punishable under section 97B of the Penal Code except with the sanction of the Attorney-General.

(2) The provisions of subsection (1), with reference to the offences named therein, apply also to the abetment of such offences and attempts to commit them.

(3) The sanction referred to in this section may be expressed in general terms and need not name the accused person, but it shall, so far as practicable, specify the place where and the occasion on which the offence was committed.

(4) Any sanction given or refused under this section may be revoked or granted by any authority to which the authority giving or refusing it is subordinate.

140. (1) A court shall not take cognizance of any offence falling under Chapter XXI or Chapter XXIII of the Penal Code or under sections 383 to 386 of the same Code, except upon a complaint made by some person aggrieved by such offence,

(2) Where the person so aggrieved is a woman who according to customs ought not to be compelled to appear in public or where such person is under the age of eighteen or is an idiot or lunatic or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the court, make a complaint on his or her behalf

(3) In the case of an offence under section 393 of the Penal Code where the party so aggrieved is the Government or a local government the Attorney-General may make a complaint on behalf of the Government, and a member of the local government may make a complaint on behalf of such local government

(4) In the case of an offence under section 393 of the Penal Code where the party so aggrieved is other than the Government, or local government, a police officer may, in the public interest and with the sanction of the Attorney-General, make a complaint on behalf of such party.

141. (1) A court shall not take cognizance of an offence under section-387, 388 or 389 of the Penal-Code except:

(a) upon a complaint made by the husband of the woman or in his absence by some person who had care of such woman on his behalf at the time when the offence was committed; or

(b) in the case of the woman being unmarried upon a complaint made by her father or guardian or in his absence, by some person who had care of such unmarried woman on his behalf at the time when the offence was committed.

(2) Where the husband, father or guardian referred to subsection (1) is under the age of eighteen years, or is an idiot or lunatic or due to sickness or infirmity unable to make a complaint some other person may, with the leave of the court, make a complaint on his behalf.

142. Subject to the provisions of Chapters XIII and XIV, a court may take cognizance of any offence committed within the local limits of its jurisdiction:-

(a) when an arrested person is brought before it under section 42 or 43;

(b) upon receiving a First Information Report under section 121, or from any other court;

(c) upon receiving a complaint in writing from the Attorney- General;

(d) upon receiving a complaint of facts which constitute the offence;

(e) if from information received from any person other than a police officer it has reason to believe or suspect that an offence has been committed.

143. When the defendant appears before a court taking cognizance of an offence, the court may require the police officer, if any, in charge of the investigation, or any police officer acting on his behalf, to state a summary of the case and, if the court shall think fit, to produce the case diary for its inspection.

144. (1) A court taking cognizance of an offence on complaint shall, subject to the exercise of its powers under sections 143 or this section, thereupon examine, the complainant and reduce his complaint and the substance of the examination to writing, and the writing shall be signed or sealed by the complainant if he is able so to do.

(2) A court may in its discretion conduct such examination on oath.

(3) When the complaint is made in writing and signed by a public servant acting or purporting to act in the execution of his official duties, the court may, if it thinks fit, and shall when the complaint is made by a court under section 306 proceed with the trial of the case without examining the complainant under this section.

145. Where an offence of which a court takes cognizance ought properly or more conveniently to be tried by another court, the said court taking cognizance shall send the case to such other court for trial.

Provided that where such other court or the court taking cognizance of the offence, is the High Court, the court taking cognizance of the offence shall grant bail to the defendant for his

appearance before the High Court, and direct the prosecutor to send the case diary to the Attorney-General who shall frame the charge or charges if any, against the defendant in the appropriate Court.

146. Where a court taking cognizance of an offence under the provisions of section 141 is of the opinion that an investigation or further investigation should be conducted under the provisions of Chapter XII, the court shall order that such an investigation or further investigation shall be made, and such investigation or further, investigation, shall be conducted in. the same, manner and with the same powers as are set out in Chapter XII; and at the time when such order is made or at any stage of the investigation or further investigation the police officer in charge of the investigation, or any police officer acting on his behalf, may appear before the court and apply for directions.

147. (1) A court taking cognizance of an alleged offence on the complaint of any person other than a police officer may, for reasons to be recorded in writing, refer the matter to any police officer for investigation without any order to remand.

(2) An investigation by a police officer under the provisions of subsection (1) shall be conducted so far as may be in the manner and with the powers in and with which an investigation under Chapter XII is conducted, and shall, if the police have already investigated the case, be deemed to be a continuation of that investigation.

148. (1) A court taking cognizance of an alleged offence may refuse to proceed with the case if after examining the complainant, if any, and considering the result of any investigation held under Chapter XII or section 147 there is in its opinion no sufficient ground for proceeding; and it shall thereupon briefly record its reasons for so refusing.

(2) Where there is in the opinion of the Attorney-General, no sufficient ground for any charge to be preferred in accordance with section 145, against the accused, the Attorney-General may discontinue the case.

(3) Where the defendant is in custody or on bail, he shall be discharged when, under this section, the court refuses to proceed or the Attorney-General discontinues the case.

(4) A person aggrieved by a refusal of a court to proceed with a case may apply to the appropriate appeal court with an affidavit setting out the facts for an order directing the transfer of the case to another court with jurisdiction to hear and determine the cause or matter.

149. (1) Where a First Information Report or a complaint in writing is received by a court which is not competent to take competent cognizance of the offence, the court shall return the First Information Report or complaint for presentation to the proper court with an endorsement to that effect.

(2) If a complaint not in writing is made to a court which is not competent to take cognizance of the offence the court shall direct the complaint to the proper court.

150. When a court asking cognizance of an offence is satisfied that there is sufficient ground for proceeding, it shall after causing process to issue for the attendance of the defendant, if he is not already in custody or on bail, proceed to try the offence provided that it is competent so to do.

151. A defendant shall, subject to the provisions of this law be present in court during the whole of his trial unless:

(a) he misconducts himself in such a manner as to render his continuing presence impracticable or undesirable; or

(b) at the hearing of an interlocutory application.

152. (1) Process to compel the attendance of the defendant shall ordinarily be by way of summons or a warrant as the court may determine guided by the fourth column of the Appendix A in the first instance.

(2) When a summons is issued the court may if it sees reason to do so dispense with the personal attendance of the accused:-

Provided that:—

(a). he is represented by counsel; or

(b). he pleads guilty in writing.

(3) Notwithstanding the provisions of subsection (2), the court shall not without adjourning for his personal attendance sentence the accused to any term of imprisonment or to any other form of detention or order him to be subject to any disqualification.

#### **CHAPTER XVI—SUMMARY TRIALS**

153. The procedure laid down in this chapter shall be observed by magistrates' courts and such other courts as may have summary jurisdiction.

154. When the defendant appears or is brought before the court, the particulars of the offence of which he is accused shall be stated to him and he shall be asked if he has any cause to show why he should not be convicted.

155. (1) where the defendant admits that he has committed an offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him and if he shows no cause why he should not be convicted the court may convict and sentence him in accordance of Penal Code Law, and in that case it shall not be necessary to frame a formal charge.

(2) The Governor may by order specify the maximum sentence of imprisonment or the maximum fine which any grade or class of court may impose on a conviction under this section.

(3) No court shall exercise any powers under subsection (1) unless an order under subsection (2) has been made in respect of that grade or class of court.

156. (1) When the court decides not to convict the defendant under section 155 or when the

defendant person states that he intends to show cause why he should not be convicted, the court shall proceed to hear the complainant, if any, and take all such evidence as may be produced in support of the prosecution.

(2) The accused shall be at liberty to cross-examine the witnesses for the prosecution and, if he does so, the prosecutor may re-examine them.

157. (1) where upon taking all the evidence referred to in section 156 and making such examination, if any, of the defendant as may be made in accordance with section 230 the court finds that no case against the defendant has been made out which if not rebutted would warrant his conviction the court shall discharge him.

(2) The court may discharge the defendant at any previous stage of the case if for reasons to be recorded by the court it considers the charge to be groundless.

(3) A discharge under this section shall not be a bar to further proceedings against the defendant in respect of the same matter.

Provided that the prosecution shall not commence further proceedings in court against the person so discharged in respect to the same matter unless the prosecution satisfies the court that there is fresh evidence justifying further proceedings.

(4) No oath shall be administered to the defendant for the purposes of an examination under this section.

158. Where the evidence referred to in section 156 and the examination referred to in section 157 have been taken and made or at any previous stage of the case the court is of opinion that there is ground for presuming that the defendant has committed an offence triable under this chapter, which such court is competent to try and which in the opinion of the court could be adequately punished, the court shall frame a charge declaring what offence the defendant is charged and then proceed as provided in this law.

159. (1) where the court is of opinion that the offence is one which having regard to section 158 it should try itself, the charge shall then be read and explained to the defendant and he shall be asked whether he is guilty or has any defence to make.

(2) Where the accused pleads guilty, the court shall record the plea and may in its discretion convict him on it.

(3) The court shall before convicting on a plea of guilty satisfy itself that the defendant has clearly understood the meaning of the charge in all its details and essentials and also the effect of his plea.

160. (1) where the defendant pleads not guilty or makes no plea or refuses to plead, he shall be required to state whether, he-wishes to cross examine or further cross examine any, and if so which, of the witnesses for the prosecution whose evidence has been taken.

(2) The evidence of any remaining witnesses for the prosecution shall next be taken and after cross-examination and re-examination, if any, they also shall be discharged.

(3) The defendant shall then be called upon to enter upon his defence and produce his evidence.

(4) Where the defendant puts in any written statement, the court shall file it with the record.

(5) The complainant or prosecutor may cross-examine any witnesses produced for the defence and the defendant may re-examine them.

161. (1) The defendant may apply to the court to issue any process for compelling the attendance of any witness for the purpose of examination or the production of any document or other thing and the court shall issue such process unless for reasons to be recorded by it in writing it considers that the application is made for the purpose of vexation or delay or of defeating the ends of justice.

(2) The court may before summoning any witness on an application under subsection (1) require that reasonable expenses incurred by such witness in attending for the purposes of the trial be deposited in court."

162. (1) Where in any case under this chapter in which a charge has been framed the court finds the defendant not guilty, it shall record an order of acquittal.

(2) Where in any case under this chapter in which a charge has been framed the court finds the defendant guilty, it shall announce its finding and shall thereafter, where the defendant has not previously called any witness to character, call upon him to produce such witness if he so desires and, if he wishes, to make a statement in mitigation of punishment.

(3) The record of the accused's previous convictions, if any, if it has not already been put in evidence, shall be produced and if necessary proved by the police.

(4) The court shall then pass sentence upon the defendant according to law.

163. When the proceedings have been instituted upon complaint and upon any day fixed for the hearing of the case the complainant is absent, the court may in its discretion notwithstanding anything contained in this law at any time before the charge has been framed discharge the defendant.

164. (1) Where, in any case instituted by complaint as defined in this law or upon information given to a police officer or a court and heard under this chapter, the court discharges or acquits the defendant and is satisfied that the accusation against him was frivolous or vexatious, the court may in its discretion by its order of discharge or acquittal direct the complainant or informant to pay to the defendant, or to each of the defendants where there are more than one, such compensation not exceeding ten thousand naira(₦10,000) to each such defendant as the court thinks fit and may award a term of imprisonment not exceeding three months in the aggregate in default of payment, and the provisions of sections 74 and 75 of the Penal Code shall apply as if such compensation were a fine.

(2) Before making any decision under subsection (1) the court shall:—

(a) record and consider any objection which the complainant or informant may urge against



the making of the direction; and

- (b) state in writing in its order of discharge or acquittal its reasons for awarding the compensation.
- (3) "Compensation awarded under this section may be recovered as if it were a fine.
- (4) Any person directed to make a payment of compensation under this section may appeal from the direction as if he had been convicted after trial by the court.

## CHAPTER XVIII

### BAIL

165. (1) When any person accused of an offence punishable with imprisonment whether with or without fine for a term not exceeding three years or with fine only is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a court and is prepared at any time while in the custody of that officer or before that court to give such security as may seem sufficient to the officer or court, such person shall be released on bail unless the officer or court for reasons to be recorded in writing considers that by reason of the granting of bail the proper investigation of the offence would be prejudiced or a serious risk of the accused escaping from justice be occasioned.

(2) The officer or court referred to in subsection (1) if he or it thinks fit may instead of accepting security from such person discharge him on his executing a bond without sureties for his appearance as provided in sections 170 and 171.

166. (1) Persons accused of an offence punishable with death shall not be release on bail.

(2) Persons accused of an offence punishable with imprisonment for a term exceeding three years shall not ordinarily be released on bail; nevertheless the court may upon application release on bail a person accused as aforesaid if it considers:-

- (a) that by reason of the granting of bail the proper investigation of the offence would not be prejudiced; and
- (b) that no serious risk of the accused escaping from justice would be occasioned; and
- (c) that no grounds exist for believing that the accused, if released, would commit an offence.

167 (1) Where any person is accused of an offence a single High Court may, subject to the provisions of section 166, direct that such person be admitted to bail.

(2) When any person is convicted of an offence in a court and appeals from such court to the High Court, the High Court or a single judge thereof may, subject to the provisions of section 166, direct that such person be admitted to bail.

168. Any court may at any subsequent stage of any proceeding released this Criminal Procedure Code cause any person who has been released under section 165, 166 or 167 to be arrested and may commit him to custody.

169. A judge of the High Court may in any case direct that the bail required by an officer in

charge of a police station or any court be reduced.

170. Before any person is released under section 165, 166 or 167, he shall execute a bond for such sum of money as the officer in charge of the police station or the court thinks sufficient on condition that such person shall attend at the time and place mentioned in the bond and shall continue so to attend until otherwise directed by the court and if he is released on bail the sureties shall execute the same or another bond or other bonds containing conditions to the same effect

171. (1) As soon as a bond referred to in section 336 has been executed, the person for whose appearance it has been executed shall be released; and, if he is in prison, the court admitting him to bail shall issue a written order of release to the official in charge of the prison and such official on receipt of the order shall release him.

(2) Nothing in this section, section 165 or section 166 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

172. When any person is required by any court or officer in charge of a police station to execute a bond with or without sureties, the court or officer may, except in the case of bonds to be executed under Chapter VII, him to deposit a sum of money to such amount as the court or officer may think fit in lieu of executing such bond.

173. When the person required to execute a bond is under eighteen years of age, a bond executed by a surety or sureties only person may be accepted.

174. (1) The amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive.

(2) If; through mistake, fraud or otherwise, insufficient sureties have been accepted or if the sureties afterwards become insufficient, the court may issue a warrant for the arrest of the person on whose behalf the sureties executed the bond and, when that person appears, the court may order him to find sufficient sureties and on his failing to do so may make such order as in the circumstances is just and proper.

175. Where a person has been admitted to bail and circumstances arise which in the opinion of the Attorney-General would justify the court in cancelling the bail or requiring bail of greater amount, a court may, on application being made by the Attorney-General, issue a warrant for the arrest of the person and, after giving him an opportunity of being heard, may either commit him to prison to wait trial, or admit him to bail for the same or an increased amount.

176 (1) All or any sureties to a bond may at any time apply to the court which caused the bond to be taken to discharge the bond either wholly or so far as relates to the applicants.

(2) On an application under subsection (1) the court shall issue a warrant for the arrest of the person on whose behalf the bond was executed and upon his appearance shall discharge the bond either wholly or so far as relates to the applicants and shall require such person to find other sufficient sureties and, if he fails to do so, may make such order as in

the circumstances is just and proper.

177. When a surety to a bond dies before his bond is forfeited, his estate shall be discharged from all liability under the bond, but the person on whose behalf such surety executed the bond may be required to find a new surety; and in such case the court may issue a warrant for the arrest of such person and upon his appearance may require him to find a new surety and, if he fails to do so, may make such order as in the circumstances is just and proper.

178. If a person required by a court to find sufficient sureties under section 174, 176 or 177 fails to do so the court, unless it is just and proper in the circumstances to make some other order, shall make:-

- (a) in the case of person ordered to give security for good behaviour under section 91 or section 92, an order committing him to prison for the-remainder of the-period-for which he was originally ordered, to give, surety or until he finds sufficient sureties; or
- (b) in the case of a person accused of an offence and released on bail under section 165 an order committing him to prison until he is brought to trial or discharged.

179. (1) Whenever it is proved to the satisfaction of the court by which a bond has been taken or when the- bond is-for appearance before a court to the satisfaction of such court, that a bond has been forfeited, the court shall record the grounds of such proof and may call upon any person bound by the bond to pay the penalty thereof or to show cause why it should not be paid.

(2) If sufficient cause is not shown and the penalty is not paid, the court may proceed to recover the same from any person bound or from his estate if he is dead in the manner laid down in section 295 for the recovery of fines.

(3) A surety shall only be liable under this section if the surety dies, after the bond is forfeited.

(4) If the penalty is not paid and cannot be recovered in manner aforesaid, the person bound shall be liable by order of the court which issued the warrant under section 295 to imprisonment for a term which may extend to six months.

(5) The court may at its discretion remit any portion of the penalty and enforce payment in part only.

## CHAPTER XIX—TRIALS BY THE HIGH COURT

180. Trial shall be held in the high court on a charge filed by a:

- (a) The Attorney General of a state or a law officer in the office of the Attorney-General;
- (b) Any other legal practitioner authorized by the Attorney-General;
- (c) By the Attorney-General of the State by Fiat of the Attorney General Federation or officers in his department prosecuting certain federal offences;
- (d) Other legal practitioners deriving authority from the Attorney-General of the federation or enactment of the National Assembly.

181. No person shall be tried by the High Court unless:-

- (a) a charge is preferred against him; or
- (b) a charge of contempt is preferred against him in accordance with the provisions of section 306 or section 307.

182. Where a person is accused of an offence punishable with death, if the defendant is not defended by a legal practitioner the court shall assign a legal practitioner for his defence.

183. (1) When the High Court is ready to commence the trial the defendant shall appear or be brought before it and the charge shall be read out in court and explained to him and he shall be asked whether he is guilty or not guilty of the offence or offences charged.

(2) Where the defendant pleads guilty the plea shall be recorded and he may in the discretion of the court be convicted on that plea unless the offence charged is punishable with death when the presiding judge shall enter a plea of not guilty on behalf of the defendant.

184. Where the defendant pleads not guilty or makes no plea or refuses to plead or if the judge enters a plea of not guilty on behalf of the defendant, the court shall proceed to try the case.

185. (1). After a plea of not guilty has been taken or no plea has been made the prosecutor may open the case against the defendant stating shortly by what evidence he expects to prove the guilt of the defendant.

(2) The prosecutor shall then examine the witnesses for the prosecution who may be cross-examined by the defendant or his counsel and thereafter re-examined by the prosecutor.

(3) The court may ask any questions it may deem necessary for the proper determination of the case.

186. (1) After witnesses for the prosecution have been heard in accordance with the provisions of section 185(2) the defendant may be examined as provided in section 230 and he shall then be asked:-

- (a) Whether he wishes to give evidence on his own behalf as provided in section 231; and
- (b) Whether he intends to call witnesses other than witnesses to character.

(2) Where the defendant says that he does not intend to call any witness other than witnesses to character, the prosecutor, if any, may sum up his case against the defendant and the court will then call upon the defendant to enter the defence.

(3) Notwithstanding the provisions of subsection (2), the court may, after hearing the evidence for the prosecution if it considers that the evidence against the defendant or any of several defendant is not sufficient to justify the continuation of the trial, record a finding of not guilty in respect of such defendant without calling upon him or them to enter upon

the defence and such defendant shall thereupon be discharged and the court shall then call up the remaining defendant, if any, to enter upon the defence.

(4) Where the defendant or any one of several defendant says that he intends to call any witness other than a witness to character, the court shall call upon the defendant to enter upon the defence.

(5) Notwithstanding the provisions of subsection (4), the court may, before calling upon the defendant to enter upon the defence, call upon the prosecutor to sum up his case against any one or more of the defendant against whom it consider that the evidence is not sufficient to justify the continuation of the trial and after hearing the summing up, if any, may in its discretion record a finding of not guilty in respect of any such defendant or call upon any of them to enter upon his or their defence.

187. (1) Where the defendant or his legal practitioner makes a no case submission in accordance with the provisions of this Law, the court shall call on the prosecutor to reply.

(2) The defendant or his legal practitioner has the right to reply to any new point of law raised by the prosecutor, after which, the court shall give its ruling.

(3) In considering the application of the defendant under section 295, the court shall, in the exercise of its discretion, have regard to whether:

(a) an essential element of the offence has been proved;

(b) there is evidence linking the defendant with the commission of the offence with which he is charged;

(c) the evidence so far led is such that no reasonable court or tribunal would convict on it; and

(d) any other ground on which the court may find that a prima facie case has not been made out against the defendant for him to be called upon to answer.

188. (1) When the court calls upon the defendant to enter upon the defence the defendant or his counsel may open his case stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution, and the accused may then give evidence on his own behalf, examine his witnesses, if any, and, after their cross-examination and re-examination, if any, the accused or his counsel may sum up his case.

(2) The defendant shall be allowed to examine any witness not previously named by him if such witness is in attendance, but he shall not, except as provided in section 206, be entitled of right to have any witness summoned other than the witnesses named.

(3) where the defendant wishes to call a witness who is not present in court and in respect of whom he has not given notice and if the court is satisfied that the absence of the witness is not due to any fault or neglect of the defendant and that it is likely that such witness could if present give factual evidence the court may adjourn and take steps to compel the attendance of such witness.

189. (1) Where the defendant or any of the defendant calls any witness other than to character

or any document other than a document reply relating to character is put in evidence for the defence the prosecutor shall be entitled to reply.

(2) Where the defendant has called only evidence for character, the prosecutor may at the close of the case for the defence adduce evidence of previous convictions of the defendant.

(3) Notwithstanding the provisions of subsections (1) and (2), in any case with the leave of the court the prosecutor may be heard in reply on a point of law or, where none of the defendant has called evidence other than to character but any of them has introduced a new matter in his statement to the court, on such new matter.

190. When the case for the defence and the prosecutor's reply, if any, are concluded and the court does not desire to put any further questions to the defendant, the court shall retire or adjourn to consider its finding.

191. After the court has made its finding the court shall announce that finding.

192. (1) Where the finding is guilty the defendant shall, if he has not called any witnesses to character, be asked whether he wishes to call any such witnesses and after such witnesses, if any, have been heard he shall be asked whether he desires to make any statement in mitigation of punishment.

(2) After the defendant has made his statement, if any, in mitigation of punishment the prosecution shall, unless such evidence has already been given, produce evidence of any previous convictions of the defendant.

193. When the provisions of section 192 have been complied with the court may retire or adjourn to consider the sentence and the court shall, having determined the sentence, announce the same in open court.

194. The court may in any case in recording sentence make a recommendation for mercy but in such case shall give the reasons for its recommendation.

## **CHAPTER XIX**

### **CHARGES**

195. Charges may be as in the forms set out in Appendix B modified in such respects as may be necessary to adapt them to the circumstances of each case.

196. (1) Every charge under this law shall state the offence with which the defendant is charged.

(2) If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

(3) If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the defendant notice of the matter with which he is charged.

(4) The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

(5) The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charge was fulfilled in the particular case.

197. The charge shall contain such particulars as to the time and place of the alleged offence and the person, if any, against whom, or the thing, if any, in respect of which, it was committed are reasonably sufficient to give the defendant notice of the matter with which he is charged.

198. Where the defendant is charged with criminal breach of trust or criminal misappropriation of money, it shall be sufficient to specify the gross sum in respect of which the offence is alleged to have been committed and the dates between which the offence is alleged to have been committed without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of a single offence.

199. Where the defendant is charged with falsification of accounts under section 344 of the Penal Code it shall be sufficient to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud or any particular day on which the offence was committed.

200. Where the nature of the case is such that the particulars mentioned in section 198 and 199 do not give the defendant sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence, was committed as will be sufficient for that purpose.

**Illustrations.** (a) *A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.*

(b) *A is accused of cheating B at a given time and place. The charge must set out in the manner in which A cheated B.*

(c) *A is accused of giving false evidence at a given time and place.*

*The charge must set out that portion of the evidence given by A which is alleged to be false.*

201. No error in stating either the offence or the particulars required to be stated in the charge and no omission to state the offence or those particulars shall, be regarded, at any stage of the case as material, unless the defendant was in fact misled by such error or omission and it has occasioned a failure of justice.

*Illustrations. (a) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge or is set out incorrectly. A defends himself, calls witnesses and gives his own account of the transaction. The court or the appellate authority may infer from this that the omission to set out the manner of the cheating is not material.*

(b) *A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred and offered no defence. It may be inferred from such facts that the omission to be set out in the manner of the cheating was in this case a material error.*

(c) *A is charged with the murder of Audu Kano on the 21st January, 1960. In fact the murdered person's name was Audu Karo and the date of the murder was the 20th January, 1960: A was only charged with one murder and was present at the inquiry before the magistrate, which referred exclusively to the case of Audu Karo. It may be inferred from these facts that A was not misled and that the errors in the charge were immaterial.*

(d) *A was accused of murdering Audu Karo on the 20th January, 1960, and Audu Kano (who tried to*

arrest him for that murder) on the 21st January, 1960. He was, upon a charge referring to the murdered man- as Audu Karo, tried for the murder of Audu Kano, The witness present in his defence were witnesses in the case of Audu Karo. It may be inferred from this that A was misled and that the error was material.

202. (1) Where any person is being tried by any court on an imperfect or erroneous charge, the court may permit or direct the framing of a new charge or add to or otherwise alter the original charge.

(2) Every such alteration or addition or new charge shall be read and explained to the defendant and his plea thereto shall be taken

**Illustrations.** (a) A is charged with receiving stolen property knowing it to be stolen. During the trial it incidentally appears that he has in his possession house breaking implements. A charge of lurking with house breaking implements under section 360 of the Penal Code cannot be added.

(b) A is charged with forging a valuable security under section 364 of the Penal Code. A charge of fabricating false evidence under section 158, 159 or 160 of the Penal Code, as the case maybe, may be added.

203. (1) Any court may alter or add to any charge or frame a new charge at any time before judgment is pronounced.

(2) Every such alteration or addition or new charge shall be read and explained to the defendant and his plea to it shall be taken.

204. Where the charge as revised under section 202 or 203 is such that proceeding immediately with the trial is not likely in the opinion of the court to prejudice the defendant in his defence or the prosecutor, if any, in the conduct of the case, the court may in its discretion forthwith proceed with the trial as if the charge so revised had been the original charge.

205. Where the revised charge is such that proceeding immediately with the trial is likely in the opinion of the court to prejudice the defendant in his defence or the prosecutor, if any, in the conduct of the case, the court may either direct a new trial or adjourn the trial for such period as may be necessary.

206. Whenever a charge is revised by the court after the commencement of the trial, the prosecutor and the defendant shall be allowed to recall or re-summon and examine with reference to such revision any witness who may have been examined and also to call any further witness whom the court may consider to be material.

207. For every distinct offence of which any person is accused there shall be a separate charge and every such charge shall be tried separately, except in the cases mentioned in sections 208, 209, 210, 211 and 216.

**Illustration.** A is accused of theft on one occasion and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and for causing grievous hurt.

208. Where a person is accused of several offences of the same or similar character he may be charged with and tried at one trial for any number of them; but if the court, before the trial or at



any stage of the trial before judgment is pronounced, considers that he may be prejudiced or embarrassed in his defence by such procedure or that for any other reason it is desirable to do so, the court may order a separate trial of any one or more of such charges.

209. (1) where a series of acts so connected together as to form the same transaction is alleged, the defendant may be charged with and tried at one trial for every offence which he would have committed if all of such acts or one or more of them without the rest were proved.

(2) In passing sentence the court shall have regard to section 76 of the Penal Code

**Illustrations,**(a) *A, an accountant, commits criminal breach of trust and to conceal his offence falsifies his accounts. A may be separately charged with and tried at one trial for criminal breach of trust under section 314 of the Penal Code and falsification of accounts under section 371 of the Penal Code.*

(b) *A commits robbery on B and in doing so voluntarily causes hurt to him. A may be separately charged with and tried at one trial for offences under sections 246:298 and 300 of the Penal Code.*

210. Where a series of acts is of such a nature that it appears that an offence was committed on one of several occasions but it is doubtful whether the facts which can be proved will show on which occasion an offence was committed the defendant may be charged with having committed an offence alternatively on one or other of such occasions.

**Illustration.** *A states on oath before the magistrate at the inquiry that he saw B hit C with a club. Before the High Court A states on oath that B never hit C. A may be charged in the alternative and convicted of intentionally giving false evidence, although it cannot be proved which of these contradictory statements was false.*

211. where a single act or series of acts is of such a nature that it is doubtful which of several different offences the facts which can be proved will constitute, the defendant may be charged with having committed all or any one or more of such offences and any number of such charges may be tried together; or he may be charged in the alternative with having committed one or other of the said offences.

**Illustration.** *A is accused of an act which may amount to theft or receiving stolen property or criminal breach of trust. He may be charged (a) with theft and receiving stolen property and criminal breach of trust; or (b) with theft or receiving stolen property or criminal breach of trust alternatively; or (c) with one or two of these offences omitting the other or one of them.*

212. where in the case mentioned in section 211 the defendant is charged with one offence and it appears in evidence that he committed a different offence with which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed although he was not charged with it.

**Illustrations.** (a) *A is charged with stealing a bicycle. It is proved that he received the bicycle knowing it to have been stolen. A may be convicted of receiving stolen property although he was not charged with that offence.*

(b) *A is charged with stealing a wireless set and it is proved in evidence that he obtained the wireless set by means of a criminal breach of trust. A may be convicted of criminal breach of trust*

*although he was not charged with that offence.*

*(c) A is charged with rape and it is proved in evidence that he committed an act of gross indecency. A may be convicted of committing an act of gross indecency although he was not charged with that offence.*

*(d) A, a woman, is charged with culpable homicide punishable with death; in fact it is apparent in evidence that she killed her child who was under the age of twelve months while the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving, birth to the child. A may be convicted of culpable homicide not punishable with death.*

*(e) A is charged with causing grievous hurt to Z and it is proved in evidence that A in fact abetted B to cause the grievous hurt to Z. If at the time of framing the charge A could have been charged with abetting the offence A may be convicted of abetment.*

213.(1) Where a person is charged with an offence consisting of particulars, a combination of some only of which constitutes a complete lesser offence, and such combination is proved but the remaining particulars are not proved, he may be convicted of the lesser offence though he was not charged with it.

(2) where a person is charged with an offence and facts are proved which reduce it to a lesser offence, he may be convicted of the lesser offence although he is not charged with it.

214. Where a person is charged with an offence he may be convicted of an attempt to commit such an offence although the attempt is not separately charged.

215. (1) When more than one charge is framed against the same person, and when a conviction has been-obtained on one or more of them, the complainant or the officer conducting the prosecution may, with the consent of the court, withdraw the remaining charge or charges, or the court of its accord may stay the trial of such charges.

(2) A withdrawal under subsection (1) shall have the effect of an acquittal on the remaining charge or charges referred to in that subsection unless the conviction be set aside on appeal or on review in which case the court, subject to any order of the court setting aside-the convictions, may proceed with the trial of the charge or charges so withdrawn.

216. The following persons may be charged and tried together, namely:-

- (a) persons accused of the same offence committed in the course of the same transaction;
- (b) persons accused of an offence and persons accused of abetment or of an attempt to commit the same offence;
- (c) persons accused of more than one offence of the same or similar character, committed by them jointly;
- (d) persons accused of different offences committed in the course of the same transaction;
- (e) persons accused of offences which include theft, extortion or criminal misappropriation and persons accused or receiving or retaining or assisting in the

(2) The expression "legal practitioner" shall have the same meaning as in the Legal Practitioners Act.

222. (1) In the case of a prosecution in the High Court or in a Magistrates court by or on behalf of the state or by any public servant in his official capacity or by any local government the state or that public servant or local government may be represented by a law officer, the Attorney-General, state counsel, a police officer, or by any legal practitioner or other person duly authorised in that behalf or by or on behalf of the Attorney-General or, in revenue cases, authorised by the head of the department concerned.

(2) In any cause, matter or appeal, to which a local government is a party, the local government may be represented at any stage of the proceedings by any member or officer of the local government who shall satisfy the court that he is duly authorised in that behalf.

(3) In any criminal case by or against a first or second class chief in either his official or personal capacity the chief may be represented in the court at any stage of the proceedings by any indigene of his chieftom who shall satisfy the court that he has the authority to represent the chief.

(4) Where any person other than the Attorney-General prosecutes on behalf of the state or any public servant shall prosecute in his official capacity such person or public servant shall prosecute the case subject to such directions as may be given by the Attorney-General in any prosecution for an offence under a Law of the State.

223. Except as otherwise provided in the Administration of Criminal Justice Law the general order of procedure in inquiries and trials before a magistrates court shall, so far as may be, be the same as is provided in Chapter XVIII for trials by the High Court.

224. (1) Every witness giving evidence in any inquiry or trial, under the Administration of Criminal Justice Law, Court may be called upon to take an oath or make a solemn affirmation that he will speak the truth.

(2) The evidence of any person, who by reason of youth or ignorance or otherwise is in the opinion of the court unable to understand the nature of an oath, may be received without the taking of an oath or making of an affirmation if in the opinion of the court he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

225. No witness, if he refuses to take an oath or make a solemn affirmation, shall be compelled to do so or asked his reason for so refusing but the court shall record in such a case the nature of the oath or affirmation proposed, and the fact of the refusal of the witness together with any reason which the witness may voluntarily give for his refusal.

226. A witness shall take an oath or make a solemn affirmation in such a manner as the court

considers binding on his conscience.

227. No person of the Islamic faith shall be required to take an oath in any court unless:-

- (a) he has been given an opportunity to complete the ablutions prescribed by the Islamic faith for persons taking oath on the Holy Qu'ran; and
- (b) the oath is administered by a person of the Islamic faith; and
- (c) the oath is taken upon a copy of the Holy Qu'ran printed in the Arabic language.

228. (1) The court shall prevent the putting of irrelevant questions to witnesses and shall protect them from any language, remarks or gestures likely to intimidate them; and it shall prevent the putting of any question of an indecent or offensive nature unless such question bears directly on facts which are material to the proper appreciation of the facts of the case.

229. (1) A trial for the offence referred to in subsection (4) of this section may not, where the court so determines, be held in an open court.

(2) The names, addresses, telephone numbers and identity of the victims of such offence or witnesses shall not be disclosed in any record or report of the proceedings and it shall be sufficient to designate the names of the victims or witnesses with a combination of alphabets

(3) Where in any proceedings the court deems it necessary to protect the identity of the victim or a witness the court may take any or all of the following measures:

- (a) receive evidence by video link;
- (b) permit the witness to be screened or masked;
- (c) receive written deposition of expert evidence; and
- (d) any other measure that the court considers appropriate in the circumstance.

(4) The provision of this section shall apply to:

- (a) offences under section 231 of this Law;
- (b) offences under the Terrorism (Prevention) Amendment Act;
- (c) offences relating to Economic and Financial Crimes;
- (d) Trafficking in Persons and related offences; and
- (e) any other offence in respect of which an Act of the National Assembly permits the use of such protective measures or as the Judge may consider appropriate in the circumstances.

(5) Any contravention of the provisions of subsection (2) of this section shall be an offence and liable on contravention to a minimum term of one year imprisonment.

229. (1) Save as otherwise provided in subsection (2) of section 152 all evidence in every inquiry and trial shall be taken in the presence of the defendant.

(2) Save as otherwise provided in the Administration of Criminal Justice Law, the evidence of each witness and the examination and statement, if any, of the defendant shall be recorded in writing or electronically by or under the superintendence of the court.

(3) The record shall ordinarily be in the form of a narrative and not in the form of question and answer, but in the discretion of the court any particular question and answer may be taken down in full.

(4) After recording the evidence of a witness the court may also record or cause to be recorded such remarks as it thinks material respecting the demeanour of such witness while under examination.

230. (1) For the purpose of enabling the defendant to explain any circumstances appearing in the evidence against him the court may, if the defendant so agrees, at any stage of a trial, after explaining to the defendant effect of subsections (2) and (3), put such questions to him as the court considers necessary and in such case shall for this purpose said question him generally on the case after the witnesses for the prosecution have been examined and before he is called on for his defence.

(2) The defendant shall not render himself liable to punishment by refusing to answer such questions or by giving false answers to them; but the court may draw such inference from such refusal or answers as it thinks just.

(3) The answers given by the defendant may be taken into consideration in the inquiry or trial.

(4) The sole purpose of such examination shall be to discover the line of defence and to make clear to the defendant the particular points in the case for the prosecution which he has to meet in his defence and there shall be nothing in the nature of a general cross-examination for the purpose of establishing the guilt of the defendant.

(5) No oath shall be administered to the defendant for the purposes of an examination under this section.

231.—(1) The defendant shall be a competent witness on his own behalf in any trial, whether he is accused solely or jointly with another person or persons, and his evidence may be used in proceedings against any person or persons tried jointly with him; and the following provisions shall have effect:-

- (a) the defendant shall not be examined as a witness except at his own request;
- (b) before giving evidence the defendant shall be warned by the court that he is not bound to give evidence, and that, if he does so, his evidence may be used at the trial;
- (c) the failure of the defendant to give evidence shall not be made the subject of any comment by the prosecution, but the court may draw such inference as it thinks just;
- (d) the defendant shall not be asked in cross examination, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of or been charged with an offence other than that with which he is then charged, or is of bad character, unless:-

- (i) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence with which he is then

charged; or

(ii) he has personally or by his legal practitioner asked questions of the witnesses for the prosecution with a view to establishing his own good character or has given evidence of his good character or the nature or conduct of the defence is such as to involve , imputations on the character of the prosecutor or the witnesses for the prosecution;

(iii) he has in his evidence made statements against any other persons tried jointly with him;

(e) no prosecution in respect of such evidence for the offence of giving, false evidence shall be instituted against the defendant except with the sanction of a judge of the High Court.

(2) The disposition, if any, of the defendant recorded under subsection (1) may be put in evidence in any other trial for any other offence which such disposition or such answers may tend to show he has committed.

232. —(1) Any court may at any stage of any trial or other judicial proceeding under Administration of Criminal Justice Law summon any person as a witness- or call as a witness any -person-in attendance though not summoned as a witness, and shall summon or call any such person:-

(a) if his evidence appears to the court to be essential to the just decision of the case; or

(b) On the application of the Attorney-General, and if such application is made, the defendant shall have a similar right, on applying to the court, to have any person summoned or called as a witness by the court.

(2) The court may examine or allow the prosecutor or complainant or the defendant, as the case may require, to examine any person summoned or called as a witness under this section, and shall allow the prosecutor or the defendant, as the case may require, to examine any person so summoned or called under paragraph (b) of subsection (1)

(3) Any person summoned or called as a witness under the provisions of this section may:-

(a) if examined by the prosecutor or complainant be cross- examined, by the defendant , and then re-examined by the prosecutor or complainant;

(b) if examined by the defendant be cross-examined by the prosecutor or-Complainant and then be-re-examined by the defendant.

(4) Notwithstanding anything contained in section 223 of the Evidence Act, any person summoned or called as a witness under the provisions of this section who is examined by the court may be cross-examined by the prosecutor or complainant and by the defendant.

(5) The powers conferred by this section may be exercised whether or not the person to be summoned or called and examined has already been examined as a witness in the proceedings.

233. —(1) In any proceedings pending before a court, the court may upon application either orally or in writing by any party, issue a warrant or order for bringing up before the court any person confined in any place under sentence or under commitment for trial or otherwise, to be examined as a witness in the proceedings.

(2) The person mentioned in any such order shall be brought before the court under custody.

234. —(1) The evidence of a witness given on oath and duly recorded in writing in any judicial proceeding under Administration of Criminal Justice Law may in the discretion of the court be read and accepted as evidence in any subsequent proceedings concerning the same cause or matter against the same defendant or in a later stage of the same proceedings, if the witness is dead or cannot be found or is incapable of giving evidence or if his presence cannot be obtained without an amount of delay, expense or inconvenience which the court considers unreasonable in the circumstances of the case, provided that the questions in issue are substantially the same on each occasion and that if the witness is a witness for the prosecution, the defendant had the right and opportunity to cross-examine the witness.

*Illustration.* Where A is tried and convicted of causing grievous hurt to B and B subsequently dies of his injuries, A may be tried again for culpable homicide punishable with death. B's evidence of the first trial may be used in the second trial, B being dead and the questions in issue at each trial substantially the same.

(2) where a witness is produced and examined in any judicial proceeding under the Administration of Criminal Justice Law his evidence given on oath and duly recorded in writing or electronically at any like proceeding previously held against the same defendant in which the question in issue were substantially the same or in a previous stage of the same judicial proceeding may be read out after the evidence in chief has been given and he may be examined and cross-examined upon it and it may be accepted as evidence in court.

(3) The court may, when it thinks that a witness has told the truth at a previous stage and is lying before it, ignore the evidence given before it and rely on the evidence given previously.

235. Where there are several defendants, the statements of each made in answer to examination under section 230 or made under section 187 or given in evidence under section 229 may be taken into consideration by the court and shall be admissible for or against himself and any of the other accused at the same or any subsequent stage of the same proceedings, but such statements made by one of the accused shall not be admitted at the trial of the other accused unless the accused person who made such statements is being tried jointly with the other accused and the statements were made in the presence of the other accused who shall have had an opportunity of cross-examining the accused who made them.

236. Where any evidence is given in a language not understood by the defendant and the defendant is present in court, it shall be interpreted to him in a language understood by him.

237. (1) When the services of an interpreter are required by any court for the interpretation of any evidence, statement or other proceedings, he shall be bound by oath or solemn affirmation to state the true interpretation of the evidence, statement or other court proceedings.

(2) When, the services of an interpreter are used in any proceedings by a court the record of the proceedings shall state the name of the interpreter, the languages which and in which he interprets, and the fact that he has been bound in accordance with the provisions of subsection (1) to state the true interpretation of the evidence, statement or other proceedings.

338. Whenever in the course of any judicial proceeding under this Administration of Criminal Justice Law the court thinks it advisable to view the place where the offence is alleged to have been committed or any other place, the court, may either adjourn to that place and there continue the proceedings or adjourn the case and proceed to view the place concerned accompanied by the defendant and may cause any witness to be conducted there and may take any evidence or hear any statement or explanation by the defendant on the spot, and the prosecutor and the counsel for the defendant, if any, shall have the right to present at the view.

239. (1) Where the age of any person, or whether a person is under or above a specified age, is in question in any judicial proceeding under this Administration of Criminal Justice Law, the court may determine such question by taking into account one or both of the following, namely:-

(a) the apparent physical appearance of the person concerned;

(b) any evidence, in relation to the age of the person concerned, received by the court in accordance with the provisions of the Evidence Act or this Administration of Criminal Justice Law.

(2) The evidence of a witness, who is not an expert within the meaning of section 56 of the Evidence Act shall be admissible for the purposes of this section.

240. (1) Whenever it appears to a court that a person who is so dangerously ill that there is a possibility that he may not recover is able and willing to give evidence relating to any offence the court may take in writing the statement of such person and may invite him to take an oath as to the truth of the statement.

(2) When a statement is taken in accordance with subsection (1) the court shall certify that the statement is a correct record of the statement made by such person.

(3) The court shall record its reason for proceeding under this section and shall also record thereon the date and place of taking the statement.

241. Whenever in the course of any judicial proceeding under this Administration of Criminal Justice Law it appears to the court that the examination of a witness is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances of the case would be unreasonable, such court may dispense with his attendance and may issue a commission to any court within the local



limits of whose jurisdiction such witness resides to take his evidence.

242. (1) The court issuing a commission under section 241 may send any interrogatories in writing submitted by the prosecution or the defence or prepared by itself which it deems relevant to the questions in issue to the court to which the commission is directed which shall examine the witness upon such interrogatories.

(2) The prosecutor and the accused may appear in person or by counsel before the court taking evidence on commission and examine, cross-examine or re-examine, as the case may be such witness:

(3) A commission shall be addressed to a court and not personally to an officer of the court and, if the record or extracts from the record are not sent with the commission, sufficient information shall be given to enable the examining court to understand the points upon which the evidence of the witness is required.

243. (1) After any commission issued under section 241 has been duly executed it shall be returned together with the deposition of the witness examined under it to the court out of which it issued; and the commission, the return and the deposition shall be open at all reasonable times to inspections by the prosecution or defence and subject to all just exceptions may be read in evidence in the case and shall form part of the record.

(2) Any deposition of a witness examined under a commission issued under section 246 may also be received in evidence at any subsequent stage of the same case before another court.

244. (1) Wherever in the course of any judicial proceedings under this Administration of Criminal Justice Law, it appears to a court that for the purpose of ascertaining the nature, source or other attribute of identification of any article the examination of a witness who is abroad is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances of the case would be unreasonable the court, after hearing the prosecutor, if any, and the accused or his counsel may dispense with his attendance and may settle such interrogatories in writing to be answered by such witness as may be necessary for the aforesaid purpose.

(2) Where such interrogatories are settled by a court other than the High Court leave to serve such interrogatories shall be obtained from a judge of the High Court.

(3) The interrogatories settled by the court under subsections (1) and (2) may be answered by affidavit duly sworn by the witness in question or in such other manner as a Judge of the High Court may order.

245 (1) The evidence of any medical officer or registered medical practitioner taken on oath before a court in the presence of the defendant may be read in evidence in any trial or other proceeding under the Administration of Criminal Justice Law although he is not called as a

witness.

(2) The court may if it thinks fit summon such medical officer or registered medical practitioner to appear before it as a witness.

(3) (a) A written report by any medical officer or registered medical practitioner after he has examined any person or the body of any person may at the discretion of the court be admitted in evidence for the purpose of proving the nature of any injuries received by such person or, received by such person has died, the nature of the injuries received by such person and, where possible, the physical cause of his death;

(b) On the admission of such report the same shall be read over to the defendant and he shall be asked whether he disagrees with any statement in it and any such disagreement shall be recorded by the court; and

(c) Where by reason of any such disagreement or otherwise it appears desirable for the ends of justice that such medical officer or registered medical practitioner shall attend and give evidence in person the court shall summon such medical officer or registered medical practitioner to appear as a witness.

246. (1) Any document purporting to be a report under the hand of the Accountant-General or Director of Audit or any expert in bacteriology, physiology, biology, pathology, chemistry or other branch of scientific knowledge in the service of any Government of Nigeria upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Law may be used as evidence in any inquiry, trial or other proceeding under this Law.

(2) The court may if it appears desirable for the ends of justice summon any person making a report under subsection (1) to give evidence in person.

247. (1) The court shall, in the absence of evidence to the contrary, presume that the signature to any report or document of Procedure referred to in section 245 or section 246 is genuine and that the person signing it held the office or the qualifications which he professed at the time when he signed it.

(2) Where any such report or document is intended to be produced by either party to the proceedings, a copy thereof shall be sent to the other party at least five clear days before the day appointed for the hearing and, if it is not so sent, the court may, if it thinks fit, adjourn the hearing on such terms as it may think proper.

248 (1) Where it is proved that the defendant has absconded and there is no immediate prospect of arresting him, the court competent to try or commit for trial such person for the offence alleged may in his absence examine any witnesses produced on behalf of the prosecution and record Their-dispositions.

(2) Any such disposition may on the arrest of such person be given in evidence at the inquiry into or trial for the offence with which he is charged if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense

or inconvenience which in the circumstances of the case would be unreasonable.

249. (1) where it appears that an offence punishable with death or Record of imprisonment for ten years and upwards has been committed by some person or persons unknown, any court may hold an inquiry and examine any witness who can give evidence concerning the offence.

(2) Any dispositions taken under subsection (1) may be given in evidence, when, any person is subsequently accused of the offence if - the deponent is dead or incapable of giving evidence or beyond the limits of the State.

250. (1) At any time after the completion of an investigation under this. Administration of Criminal Justice Law into any alleged offence and before the commencement-of any inquiry or trial resulting from it the Attorney-General may by writing under his hand exercise his power to inform the court which has taken cognizance of such offence that he does not, in respect of all or any of the alleged offences, intend to prosecute the person or any one or more of the persons accused.

(2) At any stage in any inquiry or at any stage before the finding; in any trial under this Administration of Criminal Justice Law the Attorney General may in writing or in person' exercise his power to inform the court conducting such inquiry or trial that he does not in respect of all or any of the offences alleged or charged intend to prosecute or further to prosecute the person or any one or more of the persons accused.

(3) When the Attorney-General exercises the powers referred to in subsection (2) all proceedings in respect of the offence alleged or charged shall be stayed and the person accused shall be discharged of and from the same, but such discharge shall not operate as a bar to any subsequent proceedings against the person accused on account of the same facts.

251. No-influence by means of any promise or threat or otherwise shall be used on the defendant to induce him to disclose or withhold any matter within his knowledge.

252. (1) If from the absence of a witness or any other reasonable cause it becomes necessary or advisable to post pone the commencement of or adjourn any trial, the court may if it thinks fit by order in writing stating the reasons therefore from time to time postpone or adjourn the same on such terms as it thinks fit for such time as it considers reasonable and may by a warrant remand the defendant if in custody.

(2) Notwithstanding the provisions of subsection (1), no court shall remand the defendant to custody under this section for a term exceeding fifteen days at a time.

253. (1) Subject to section 147, if in the course of a trial before a court the evidence appears to warrant a presumption that the case is one that should be tried by some other court, the court holding the trial shall stay proceedings and submit the case with a brief report, explaining its nature to a court which has jurisdiction or to the High Court.

(2) The Court to which the case is submitted may either try the case itself or refer the case for trial to any court subordinate to it, which has jurisdiction.

(3) where the court to which the case is submitted, decides that the case should be tried, the trial shall begin afresh.

254. (1) Whenever a court having jurisdiction:-

(a) finds a person guilty after hearing the evidence for the - prosecution and the defence; or

(b) accepts a plea of guilty from a person, and after convicting such person is of the opinion that he ought to receive a punishment different in kind from, or more severe than that, which such court is empowered to inflict, it may record such opinion and submit the proceedings and send it to a court having the necessary powers of punishment or to the High Court.

(2) The court to which proceedings are submitted under subsection (1) shall pass such sentence or order in the case as it thinks fit and is according to law.

(3) When more defendant than one are being tried together and the court considers it necessary to proceed under subsection (1) in regard to all the defendant it shall forward all the defendant who are in its opinion guilty to the appropriate court.

*EXPLANATION. A court may where several persons are charged before it sentence some of the DEFENDANT and forward the others under this section to an appropriate court for sentence.*

255. (1) When a defendant is found guilty of an offence the court may in passing sentence take into consideration any other offence of the defendant, whether or not a court has taken cognizance of such offence, if the defendant admits the other offence and desires that it be taken into consideration and if the Attorney-General consents.

(2) In exercising its powers under subsection (1) a court shall not pass a greater sentence than the maximum sentence:-

(a) which it could have passed on the defendant on conviction for the offence:-

(i) in respect of which he has been found guilty; or

(ii) which he has admitted; and

(b) which it has jurisdiction to pass.

(3) Where the defendant expresses a desire and the Attorney- General gives consent under subsection (1) the court that enter or cause an entry to that, effect to be made on the record and upon sentence being pronounced the defendant shall not, unless the conviction is set aside, be liable to be charged or tried in respect of any such offence so taken into consideration.

256. (1) The court at any stage of the trial where there are several defendant may by order in writing stating the reasons there for stay the proceedings of the joint trial and may continue the proceeding against each of any of the defendant separately.

(2) Where it appears that the evidence of one of the defendant is required for the prosecution of another defendant the defendant whose evidence is required shall be acquitted or convicted before his evidence is taken.

257. (1) Any court may, and when so required by the Attorney-General shall, refer for the opinion of the High Court any question of law which arises in the hearing of any case pending before it or may give judgment in any such case subject to the High Court's decision, and pending such opinion or decision, as the case may be, may either commit the defendant to prison or release him on bail to appear when called on.

(2) A reference to the High Court by a lower court under subsection (1) shall set out:-

(a) the charge or complaint;

(b) the facts found to be admitted or proved;

(c) any submission of law made by or on behalf of the complainant or the defendant;

(d) any question of law which the court desires to be submitted for the opinion of the High Court; and

(e) any question of law which the Attorney-General requires to be submitted for the opinion of the High Court

(3) Upon the High Court notifying its opinion or decision the case shall be dealt with in accordance with such opinion or decision.

258. Where the defendant though not insane cannot be made to understand the proceedings the court shall proceed to try the issue of his fitness to plead and if it is established that he is not fit to plead he shall be treated in like manner as a person incapable of making his defence by reason of unsoundness of mind as provided, in Chapter XXVI.

259. Where a Judge or Magistrate is prevented by illness or other unavoidable cause from delivering the judgment or sentence of the court, such judgment and the sentence, if the same has been reduced into writing and signed by the judge or magistrate, may be delivered and pronounced in open court in the presence of the defendant by any other judge or magistrate as may be appropriate.

260. Where a court is constituted of an even number of judges and such court is evenly divided on any matter for decision the matter shall be referred for hearing before a court constituted of an uneven number of judges not less than three.

261. Every member of a court shall give his opinion on every question which the court has to decide and he shall give his opinion as to the sentence even though he was in favour of acquittal.

262. The opinions of the members of the court shall be taken in Order of succession beginning with the junior in rank.

## CHAPTER XXII—THE JUDGMENT

263. - In this chapter:-

"Commissioner" means State Commissioner as the Governor may from time to time designate in that behalf.

264. (1) The judgment in every trial in a court shall be in writing and shall be pronounced, and the substance of it explained in the language understood by the defendant in open court, either on the day on which the hearing terminates or at some subsequent time of which due notice shall be given.

(2) If the defendant is in custody he shall be brought up to hear judgment delivered; if he is not in custody he shall be required to attend to hear judgment delivered unless his presence is dispensed with by the court.

(3) No judgment delivered by any court shall be deemed to be invalid by reason only of the absence of any party or his counsel on the day or from the place notified for the delivery thereof, or of any omission to serve or defect in service on the parties or their counsel or any of them of the notice of such day and place.

265 (1) Every judgment shall contain the point or points for determination, the decision thereon and the reasons for the decision and shall be dated and signed or sealed by the court in open court at the time of pronouncing it.

(2) If the judgment is a judgment of conviction it shall specify the offence of which and the section of the Penal Code or other law under which the defendant is convicted and the punishment to which he is sentenced.

(3) If the judgment is a judgment of acquittal it shall state the offence of which the defendant is acquitted and direct that he be set at liberty.

266 No sentence of death shall be imposed on a person who is under seventeen years of age or on a pregnant woman.

267 (1) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the court by which a woman is convicted thinks fit so to do, the court shall before the sentence is pronounced upon her, determine the question whether or not she is pregnant.

(2) The question whether the woman is pregnant or not shall be determined by the court on such evidence as may be given or put before it on the part of the woman or on the part of the prosecution, and the court shall find that the woman is not pregnant unless it is proved affirmatively to the satisfaction of the court that she is pregnant

(3) Where under the provisions of subsection (2) it is proved affirmatively to the satisfaction of the court that the woman is pregnant, the court shall find accordingly and shall impose upon her a sentence of imprisonment for life.

(4) Where under the provisions of subsection (2) it is not proved affirmatively to the

satisfaction of the court that the woman is pregnant, the court shall find accordingly and shall pronounce sentence of death upon her:

Provided that an appeal shall lie against the finding of the court to the Court of Appeal, and, if the finding is reversed on appeal, the sentence of death shall be quashed and a sentence of imprisonment for life shall be substituted therefor.

(5) The court of trial shall report to the Commissioner any case in which a sentence of imprisonment for life is passed or is substituted for a sentence of death under the preceding provisions of this section.

268. (1) Where a person is convicted of an offence punishable with death and it appears to the court by which he is convicted that he was under the age of seventeen when he committed the offence the court shall order that he be detained during the Governor's pleasure, and if the court so orders, he shall be detained in accordance with the provisions of section 295, notwithstanding anything to the contrary in any written law.

(2) The court shall report to the Commissioner every case in which an order has been made under the provisions of subsection(1).

269. When a person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

270. When a judgment of conviction is one from which an appeal lies, the court shall inform the convicted person that he has a right to appeal and of the period within which if he desires to appeal his appeal is to be presented.

271. No court when it has signed its judgment shall alter or review the same, except as provided in section 301 or section 309 or to correct a clerical error.

272. (1) On the application of the defendant a copy of the judgment, or when he so desires a translation, in his own language if practicable, shall be given to him without delay and such copy shall be given free of cost.

(2) The original judgment shall be filed with the record of the proceedings.

## **Part VII—PROCEEDINGS SUBSEQUENT TO JUDGMENT**

### **CHAPTER XXIII—APPEAL AND REVIEW**

273. (1) Appeals from a magistrate's court to the High Court shall be in accordance with the High Court Law or this Administration of Criminal Justice Law or any rules made under either of such Laws.

(2) where the defendant has been acquitted or an order of discharge made by a magistrate's court the prosecutor may appeal to the High Court from such acquittal or discharge on the ground that it is erroneous in law or that the proceedings or any "part

thereof were in excess of the jurisdiction of the magistrate's court.

274. (1) An appeal in accordance with the provisions of this chapter shall be commenced by the appellant giving to the registrar of the court from which the appeal is brought or to the registrar of the court to which the appeal is brought notice of such appeal which may be verbal, or in writing, and if verbal, shall be forthwith reduced into writing by the registrar and signed by the appellant, or by a legal practitioner if a legal practitioner is representing him.

(2) The notice of appeal shall be given in every case before the expiration of the thirtieth day or, where the appeal is against a sentence of caning, before the expiration of the fifteenth day after the day on which the court has made the decision appealed against,

(3) Where an appellant gives verbal notice of appeal at the time of the pronouncement of the decision and before the opposite party or the legal practitioner representing him has left the court such verbal notice of appeal shall be recorded by the court with a note of the presence of the respondent or the legal practitioner representing him and written notice of appeal shall not thereafter be necessary.

(4) where the appellant is in prison he may present his notice of appeal and the memorandum of the grounds of appeal required by section 276 to the officer in charge of the prison who shall thereupon forward such notice and memorandum to the registrar of the court from which the appeal is brought.

275 (1) An applicant in an appeal brought in accordance with the provisions of this chapter shall within thirty days or, if the appeal is against a sentence of caning, within fifteen days of the day of the pronouncing of the decision appealed against file with the Registrar of the court from which the appeal is brought a "memorandum setting forth the grounds of his appeal which shall be signed by the appellant.

(2) An appellant shall file as many copies of his memorandum or grounds of appeal, as there are parties to be served, in addition to the copies for the court and the Attorney-General.

276 —(1) In his memorandum of grounds of appeal the appellant shall set forth in a separate ground of appeal each error, omission, irregularity or other matter on which he relies or of which he complains with particulars sufficient to give the respondent due notice thereof.

(2) Without prejudice to the generality of subsection (1), the memorandum of grounds of appeal may set forth all or any of the following grounds, that is to say:-

- (a) -that the lower court had no jurisdiction in the case; or
- (b) that the lower court has exceeded its jurisdiction in the case; or
- (c) that the decision has been obtained by fraud; or
- (d) that the case has already been heard or tried and decided by or forms the subject of a hearing or trial pending before a competent court; or
- (e) that admissible evidence has been rejected, or inadmissible evidence has been admitted, by the lower court, and that in the latter case there is not sufficient admissible evidence to



sustain the decision after rejecting such inadmissible evidence; or

(f) that the decision is unreasonable or cannot be supported having regard to the evidence; or

(g) that the decision is erroneous in point of law; or

(h) that some other specific illegality, not earlier mentioned and substantially affecting the merits of the case, has been committed in the course of the proceedings in the case; or

(i) that the sentence passed on conviction is excessive or inadequate, unless the sentence is one fixed by law.

(3) Where the appellant relies upon the grounds of appeal mentioned in paragraph (d) of subsection (2) the name of the tribunal shall be stated and, if it is alleged that a decision has been made, the date of such decision.

(4) Where the appellant relies upon the ground of appeal mentioned in paragraph (g) of subsection (2) the nature of the error shall be stated and, where he relies upon the ground of appeal mentioned in paragraph (h) of that subsection the illegality complained of shall be clearly specified.

277. (1) Within thirty days or, in the case of an appeal against a sentence of caning, within fifteen days after the pronouncing of the decision of the magistrate's court the appellant shall enter into a bond with or without a surety as the magistrate may require, in such sum as the magistrate may specify, or, in lieu of furnishing a surety or sureties as the case may be, he may deposit with the magistrate the sum required.

(2) The condition of the bond shall be for the due prosecution the appeal and for abiding the result thereof, including all costs of the appeal.

(3) If there shall be any breach of the bond, the deposit, if any, shall be forfeited and shall be applied to discharging the condition of the bond.

(4) If the appellant is in custody he may at the discretion and on the order of a magistrate be released on bail on complying with the provisions of this section as to security for prosecuting the appeal and abiding the results thereof.

(5) If the appellant who is in custody is not within the district of the magistrate from whose decision the appeal is made, any magistrate of the district in which such appellant may be shall have the powers and functions given and assigned to the magistrate by this section.

278. (1) Appeals from the High Court in criminal matters shall be in accordance with the provisions of the Constitution.

(2) The prosecutor may appeal as of right to the Court of Appeal on any question of law from a decision of the High Court.

(3) The prosecutor may appeal with leave to Court of Appeal or of the High Court to Court of Appeal on any question of fact or of mixed law and fact from a decision of the High Court.

279. A sentence other than a sentence of death or caning shall take effect notwithstanding an

appeal unless:-

- (a) a warrant has been issued under section 296 when no sale of property shall take place until the sentence has been confirmed or the appeal decided; or
- (b) an order for release on bail pending any further proceedings has been made by a competent court when the time during which the convicted person had been so released shall be excluded in computing the period of any sentence which he has ultimately to undergo.

280. A court exercising appellate jurisdiction shall not in the exercise of such jurisdiction interfere with the finding or sentence or other order of the lower court on the ground only that, evidence has been wrongly admitted or that there has been a technical irregularity in procedure, unless it is satisfied that a failure of justice has been occasioned by such admission, or irregularity.

281. After the pronouncement of the judgment of an appeal the court from which the appeal came shall have the same jurisdiction and power to enforce, and shall enforce any decision which may have been affirmed, modified, amended or substituted by the appeal court, or any judgment which may have been pronounced by the appeal court, in the same manner in all respects as if such decision or judgment had been pronounced by itself.

282. No judge, magistrate shall sit as a member of an appeal court when such appeal court is hearing an appeal from a finding, sentence or order passed by him or by a court of which he is a member.

283. Every criminal appeal, other than an appeal from a sentence of fine shall finally abate on the death of the appellant.

#### **CHAPTER XXIV—EXECUTION**

284. In this chapter:-

"convicted person" means a person convicted of an offence punishable with death.

285. After a sentence of death has been pronounced in the High Court the presiding judge shall, as soon as may be convenient, forward to the Governor a copy of the trial proceedings including the judgment and sentence together with a report in writing-containing any recommendation or observations on the case which he thinks fit to make.

286. When any convicted person:-

- (a) has been sentenced to death by the High Court; and
- (b) (i) has not appealed within the time prescribed by law; or
  - (ii) has unsuccessfully appealed against the conviction; or
  - (iii) having filed a notice of appeal-has failed to prosecute such appeal the Governor, after consultation with the advisory council of the State on the prerogative of mercy, shall decide whether or not he should exercise any power conferred on him by section 192 of the Constitution.

287. Where the Governor decides that he should not exercise a power referred to in section 286 in respect of a convicted person the sentence of death pronounced upon the convicted person shall be carried into effect in accordance with the provisions of this chapter.

288 .The Governor shall communicate the decision referred to in section 287 to the High Court.

289. (1) When the Governor has communicated his decision in accordance with the provisions of section 288 he shall by order either:-

- (a) direct that the sentence of death shall be executed and the order shall state the date, time and place for the sentence of death to be carried out and give directions as to the place of burial of the body; or
- (b) direct that the execution shall take place at such date, time and place as shall be specified by some officer, specified in the order and that the body of the person executed shall be buried at such place as shall be specified by such officer.

(2) When the date, time and place of carrying out the sentence of death and the place of burial is not stated in the Governor's order the officer specified in the order shall endorse on it the date, time and place of carrying out the sentence of death and the place— of burial.

(3) The Governor may make rules prescribing the form of any order, direction or specification mentioned in this section.

290. (1) A copy of the Governor's order shall be sent to the sheriff and the sheriff Commissioner shall cause effect to be given to the order.

(2) where for any reason a copy of the Governor's order is not received by the sheriff before the date fixed therein or endorsed thereon for execution the sheriff shall nevertheless direct that the order shall be carried into effect upon the earliest convenient day after the receipt of the order.

(3)The said copy of the Governor's order or the directions issued by the sheriff under subsection (2) shall be sufficient authority to all persons to carry the sentence into effect in accordance with the terms.

291. Where a woman sentenced to death is subsequently alleged to be pregnant the superintendent or other officer in charge of the prison in which she is detained shall report such allegation to the Governor who shall thereupon order the sentence of death to be postponed until a medical officer to be appointed in writing by the Governor has determined whether or not the woman is pregnant, and make a report in writing of this finding to the Governor.

292. (1) When the Governor exercises a power referred to in section 287 he shall issue an order, directing that the execution be not proceeded with, and, as the case may be, that the convicted person be released, or that he be imprisoned for such a term as may be specified in the order, or that he be otherwise dealt with as may be specified in the order subject to any condition as may be specified in the order.

(2) The Governor shall send to the superintendent or other officer in charge of the prison in which the convicted person is confined a copy of any order issued by the Governor in accordance with the provisions of this section.

(3) The superintendent or other officer in charge of the prison in which the convicted person is confined shall comply with and give effect to every such order sent to him under the provisions of this section.

293. (1) When a defendant is sentenced to imprisonment, the court passing the sentence shall forthwith issue a warrant committing him to prison and shall send the warrant and prisoner to the prison in which he is to be confined.

(2) Every warrant referred to in subsection (1) shall be directed to the officer in charge of the prison or other place in which the prisoner is to be confined and shall be lodged with the official in charge of such prison or place.

294. (1) When any person is ordered to be detained during the Governor's pleasure he shall notwithstanding anything in this or in any other written law, be liable to be detained in such place and under such condition as the Governor may direct and while so detained shall be deemed to be in legal custody.

(2) A person detained during the Governor's pleasure may at any time be discharged by the Governor on licence.

(3) A licence may be in such form and may contain such conditions as the Governor may direct.

(4) A licence may at any time be revoked or varied, by the Governor and where a licence has been revoked the person to whom the licence relates shall proceed to such place as the Governor may direct and if he fails to do so, may be arrested without warrant and taken to such place.

295. (1) Where any offender is sentenced to pay a fine the court the sentence may, in its discretion although the sentence directs that in default of payment of the fine the offender shall be imprisoned, issue a warrant for the levy of the amount:

(a) by the seizure and sale of any movable property belonging to the offender; or

(b) by the attachment of any debts due to the offender;

(c) subject to the provisions of the Land Use Act 1978 by the attachment and sale of any immovable property of the offender situated within the jurisdiction of the court.

(2) A warrant for seizure and sale of the movable property of an offender shall be addressed to the court within the local limits of whose jurisdiction it is to be executed.

(3) . When execution of a warrant is to be enforced by attachment of debts or by sale of immovable property, the warrant shall be sent for execution to any court competent to execute decrees for the payment of money in civil suits and such court shall follow the procedure for the time being in force for the execution of such decrees.

296. Except in the case of a sentence of death, a warrant for the execution of any sentence or

other order of a criminal court shall be issued by the court which passed such sentence or order.

297. (1) When an offender has been sentenced to a fine only without a sentence of imprisonment in default of payment of the fine, the court authorised by section 296 to issue a warrant may exercise all or any of the following powers:-

- (a) allow time for payment of the fine;
- (b) direct that the fine be paid by installments;
- (c) postpone the issue of a warrant under section 292;
- (d) without postponing the issue of a warrant under section 292, postpone the sale of any property seized under such warrant;
- (e) postpone the execution of the sentence of imprisonment in default of payment of the fine.

(2) Any order made in the exercise of the powers referred to in subsection (1) may be subject to the offender giving such security as the authority making the order thinks fit by means of a bond with or without sureties, and such bond may be conditioned either for the payment of the fine in accordance with the order or for the appearance of the offender as required in the bond or both.

(3) In like manner the court or any person so authorised may order that the execution of the sentence of imprisonment upon an offender who has been committed to prison in default of payment of a fine be suspended and that he be released but only subject to the offender giving security as set forth in subsection (2).

(4) In the event of the fine or any installment thereof not being paid in accordance with an order under this section the authority making the order may enforce payment of the fine or of the balance outstanding by any means authorised in this chapter and may cause the offender to be arrested and may commit or recommit him to prison under the sentence of imprisonment in default of payment of the fine.

### **Execution of Sentence of Haddi Lashing**

298. (1) When the offender is sentenced to a Haddi lashing the sentence shall be executed at such time as the court may direct in the presence of an official of the court and the sentence shall be inflicted by such instrument and in such manner and at such place as shall be prescribed by order of the Governor.

Nothing contained in this law shall be deemed to authorise the infliction of a Haddi lashing upon any person other than a Moslem and in accordance with the provisions of subsection (2) of section 68 of the Penal Code.

299. (1) When the offender is sentenced to caning, the sentence shall be executed at such place and time as the court may direct.

- (2) The caning shall be inflicted in the presence of the registrar of the court.
- (3) No sentence of caning shall be executed by installments.

- (4) No sentence of caning shall be inflicted on:-  
    (a) females;  
    (b) males sentenced to death; or  
    (c) males whom the court considers to be more than forty-five years of age.
- (5) The sentence shall be inflicted with a light rattan cane.

300. (1) Where before the execution of sentence of caning it appears to the registrar of the court referred to in subsection (2) of caning section 299 that the offender is not in a fit state of health to undergo the sentence, he shall stay the execution, and the court which passed the sentence may either:-

- (a) after taking a medical opinion again order the execution of the sentence; or  
(b) substitute for it any other sentence which it could have passed at the trial.
- (2) where during the execution of caning it appears to the registrar of the court that the offender is not in a fit state of health to undergo the remainder of the sentence, the caning shall immediately be stopped and the remainder of the sentence be remitted.
- (3) In either case the court shall be informed of the stay of execution.

301. (1) Where the offender is sentenced to caning the court forthwith ask him whether he intends to appeal and if he expresses such an intention the caning shall not be inflicted until fifteen days after the date of sentence or, if an appeal is made within that time, unless and until the appellate court confirms the sentence.

(2) where the offender is sentenced to caning only and states to the court his intention to appeal in accordance with the provisions of subsection (1) the court shall release him pending the expiration of the period of fifteen days or, if an appeal is made within that time, the disposal of the appeal by the appellate court on his furnishing bail to the satisfaction of the court for his appearance at such time or place as the court may direct for the execution of the sentence if such sentence is to be carried out.

(3) When the offender is sentenced to caning only and furnishes bail to the satisfaction of the court for his appearance at such time or place as the court may direct for the execution of the sentence the court shall release him pending such appearance.

302. When sentence of imprisonment is passed on an escaped convict, such sentence shall take effect after he has suffered imprisonment for a further period equal to that which at the time of his escape remained unexpired of his former sentence.

303. Subject to the provisions of section 20, when a person is sentenced to imprisonment such imprisonment shall not commence before the expiration of any imprisonment to which he has been previously sentenced, unless the court directs that the Imprisonment shall run concurrently with any such previous imprisonment.

304. When a sentence has been fully executed, the officer executing it shall return the warrant to the court in which the trial took place with an endorsement under his hand certifying the manner in which the sentence has been executed.

**PART -VIII—SPECIAL PROCEEDINGS**  
**CHAPTER XXV—PROCEEDINGS IN CASE OF CERTAIN OFFENCES**  
**AFFECTING THE ADMINISTRATIO N OF JUSTICE**

305. (1) When any court is of opinion that an offence referred to in section 139 had committed before it or brought to its notice in the course of any judicial proceeding should be inquired into or tried, such court, shall refer the matter to the police for investigation and any appropriate action.

306. (1) When any such offence is as described in section 137, 141, 142, 143 or 155 of the Penal Code is committed in the view or presence of any criminal court, the court may instead of proceeding under section 306 cause the offender to be detained in custody; and at any time before the rising of the court on the same day may if it thinks fit take cognizance of the offence and sentence the offender to a fine not exceeding ten thousand naira and in default of payment to imprisonment for a term which may extend to one month, unless such fine is sooner paid.

(2) No court with criminal jurisdiction shall impose a sentence under this section which it is not competent to impose under the provisions of Chapter III.

307. (1) When any court takes cognizance under section 303 of an offence it shall record the fact constituting the offence with the statement, if any, made by the offender as well as the finding and sentence.

(2) where the offence is under section 155 of the Penal Code the record shall show the nature and stage of the judicial proceedings in which the court interrupted or insulted was sitting and the nature of the interruption or insult.

308. When any court has under section 306 sentenced an offender to punishment for refusing or omitting to do anything which he was lawfully required to do or for any intentional insult or interruption, the court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of the court or an apology being made to its satisfaction

309. Where any witness or any person called to produce a document or thing before a criminal court unlawfully refuses to answer such questions as are put to him or to produce any document or thing in his possession or power which the court requires him to produce and does not offer any reasonable excuse for such refusal, the court may for reasons to be recorded in writing sentence him to imprisonment or by warrant of the court commit him to custody of an officer of the court for any term not exceeding seven days unless in the meantime he consents to be examined and to answer or to produce the document or thing and in the event of his persisting in his refusal, he may be dealt with according to the provisions of section 305 or section 306.

310. (1) Any person sentenced by any court under section 306 or section 309 may, notwithstanding anything contained in this law, appeal to the court to which judgments or

orders made in the trial court are appealable.

(2) Any person sentenced by any court under section 306 or section 309 may, notwithstanding anything contained in this law, ask for a review by the reviewing authority, if any, which ordinarily has supervisory power over such courts.

#### **CHAPTER XXVI—PERSONS OF UNSOUND MIND**

311 (1) When a court holding a trial or an inquiry has reason to suspect that the defendant is of unsound mind and consequently incapable of making his defence the court shall in the first instance investigate the fact of such unsoundness of mind.

(2) An investigation under subsection (1) may be held in the absence of the defendant if the court is satisfied that owing to the state of the defendant's mind it would be in the interests of the defendant or of other persons or in the interests of public decency that he should be absent.

(3) If the court is not satisfied that the defendant is capable of making his defence, the court shall adjourn the trial or inquiry and shall remand such person for a period not exceeding one month to be detained for observation in any suitable government psychiatric hospital or similar facility.

(4) A person detained in accordance with subsection (3) shall be kept under observation by a medical officer during the period of his remand and before the expiry of that period the medical officer shall give to the court his opinion in writing as to the state of mind of that person, and if he is unable within the period to form any definite opinion shall so certify to the court and shall ask for a further remand and such further remand may extend to a period of two months.

(5) Any court before which a person suspected to be of unsound mind is accused of any offence may, on the application of the Attorney-General made at any stage of the proceedings prior to the trial, order that such person be sent to some suitable place for observation.

312. (1) where a medical officer reports under section 311 that the person is of sound mind and capable of making his defence, the court shall, unless satisfied that the defendant is of unsound mind, proceed with the inquiry or trial.

(2) Where the medical officer report under section 311 that such person is of unsound mind and incapable of making his defence, the court shall if satisfied of the fact, find accordingly and there upon the inquiry or trial shall be adjourned.

313. (1) Whenever a defendant is found to be of unsound mind and incapable of making his defence the court, if the offence charged is not punishable with death, may in its discretion release him on sufficient security being given by his guardians that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the court or such officer as the court appoints in that behalf.



(2) where the offence charged is one punishable, with death or if a court has refused to take security under subsection (1) or if no application is made for bail or if an application for bail is refused the court shall report may, in his discretion, order the defendant to be confined in a suitable medical facility.

(3) Pending the order of the Governor the accused may be committed to a suitable place of safe custody.

314. Whenever an inquiry or trial is adjourned under section 308 or section 309 the court may at any time re-open the inquiry' or commence the trial and require the defendant to appear or be brought before such court.

315. When the defendant has been released under section 310 the court may at any time require the defendant to appear or be brought before it and may again proceed under section 308.

316. Whenever any person is acquitted upon the ground that at the time at which he is alleged to have committed an offence he was by reason of unsoundness of mind incapable of knowing the nature of the act alleged as constituting the offence or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

317.(1) Whenever the finding states that the defendant person committed the act alleged, the court before which the trial has been held, shall, if such act would but for incapacity found have constituted an offence, order such person to be kept in a suitable government medical facility.

(2) The Governor may order such person to be confined in a suitable place for appropriate treatment.

318. When any person is confined under section 313 or section 314 a responsible medical officer shall keep him under observation in order to ascertain his state of mind and such medical officer shall make a special report as to the state of mind of such person for the information to the Governor at such time or times as the Governor shall require.

319. Where the responsible medical officer referred to in section 318 certifies that in his opinion a person confined under section 313 or section 325 may be discharged without danger-to-himself or to any other person, the Governor may thereupon order him to be discharged or to be detained in custody and he may appoint two medical officers to report on the state of mind of such person and on receipt of such report the Governor may order his discharge or detention as he thinks fit.

320. Where a person is confined in any place the Governor may direct transfer from one medical facility to another.

321. (1) Whenever any relative or friend of any person unsound confined under section 313 or section 317 applies to the Governor that such person shall be delivered over to his care and

custody the Governor may in his discretion order such person to be delivered to such relative or friend upon the relative or friend giving sufficient security that:-

- (a) The person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person; and
- (b) where at any time it shall appear that the person delivered is capable of making his defence the relative or friend shall produce such person for trial; and
- (c) the person delivered shall be produced for the inspection of such officer and at such times as the Governor directs.

#### **CHAPTER XXVII—PROCEEDINGS RELATING TO CORPORATIONS**

322. (1) In this chapter:-

"corporation" means any body corporate, incorporated in Nigeria or elsewhere;  
"representative" in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this chapter authorised to do, but a person so appointed shall not by virtue only of being so appointed be qualified to act on behalf of the corporation before any court for any other purpose.

(2) A representative for the purposes of this chapter need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation or by any person having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this chapter shall be admissible without further proof as evidence that the person has been so appointed.

323. Where a corporation is called upon to plead to any charge it may enter in writing by its representative a plea of guilty or not guilty or any plea which may be entered under the provisions of section 219, and if either the corporation does not appear by a representative or, though it does so appear, fails to enter any plea, the court shall order a plea of not guilty to be entered and the trial shall proceed as though the corporation had duly entered a plea of not guilty.

324. A magistrate may commit a corporation for trial to the High Court.

325. A representative may on behalf of a corporation:-

(a) state whether the corporation is ready to be tried on a charge or altered charge to which the corporation has been called on to plead under the provisions of section 203.

326. Where a representative appears, any requirement of this law, that anything shall be done in the presence of the defendant, or shall be read or explained to the defendant, shall be construed as a requirement that that thing shall be done in the presence of the representative or read or

said or explained to the representative.

327. Where- a representative does not apply any such requirement as is referred to in section 323 shall not apply.

328. Subject to the provisions of this chapter, the provisions of this law relating to the inquiry into and trial of offences shall apply to a corporation as they apply to a natural person *sui juris* and of full age.

**PART IX—SUPPLEMENTARY PROVISIONS**  
**CHAPTER XXVIII—THE COMPOUNDING OF OFFENCES**

329. (1) The offences punishable under the sections of the Penal Code described in the first two columns of Appendix C may, subject to the subsequent provisions of this section, be compounded by the persons mentioned in the third column of that Appendix.

(2) When any offence is compoundable under this section the abetment of such offence or an attempt to commit such offence, when such attempt is itself an offence, may be compounded in like manner.

(3) When the person who would otherwise be competent to compound an offence under this section is under eighteen years of age, an idiot or a lunatic, any person competent to contract on his behalf may compound the offence.

(4) The offences mentioned in Part I of Appendix C may be compounded without the leave of the court at any time before the defendant has been convicted by the court or committed for trial to the High Court.

(5) The offences mentioned in Part II of Appendix C may be compounded before, the defendant has been convicted by a court or committed for trial only with the consent of the court which has jurisdiction to try the defendant for the offence or to commit him for trial.

(6) After a commitment for trial an offence shall not be compounded except:-

(a) with the leave of the committing magistrate where the trial has not commenced;  
or

(b) with the leave of the court trying the case where the trial has commenced and has not been concluded.

(7) After a trial has been concluded an offence shall not be compounded except with the leave of the court to which an appeal

(8) The compounding of an offence under this section shall have the effect of an acquittal of the defendant.

(9) No offence shall be compounded except as provided by this section.

## CHAPTER XXX—THE DISPOSAL OF PROPERTY

330. When any property regarding which any offence appears to have been committed or which appears to have been used for the commission of any offence is produced before any criminal court during any inquiry or trial, the court may make such order as it thinks fit for the proper custody of that property pending the conclusion of the inquiry or trial and, if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

331. (1) When an inquiry or trial in any criminal case is concluded, the court may make such order as it thinks fit for the disposal by destruction, confiscation or delivery to any person appearing to be entitled to the possession thereof or otherwise of any movable property or document produced before it or in its custody or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) When an order is made under this section in a case in which any appeal lies, such order shall not, except when the property is livestock or is subject to speedy and natural decay, be carried out until the period allowed for presenting such appeal has passed or, when such appeal is presented within such period, until such appeal has been disposed of.

(3) Notwithstanding the provisions of subsection (2), the court may in any case make an order under the provisions of subsection for the delivery of any property to any person appearing to be entitled to the possession thereof on his executing a bond with or without sureties to the satisfaction of the court engaging to restore property to the court, if the order made under this section is modified or set aside by the appellate court.

331. When any person is convicted of any offence which includes or amounts to theft or receiving stolen property and it is proved that any other person has bought the stolen property from him without knowing or having reason to believe that the same was stolen and that any money has on his arrest been taken out of the possession of the convicted person, the court may, on the application of the purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by the purchaser be delivered to him.

332. (1) On a conviction under section 202, 394 or 395 of the Penal Code the court may order the confiscation or destruction of all the copies of the thing in respect of which the conviction was had and which are in the custody of the court or remain in the possession or power of the person convicted.

(2) The court may, in like manner, on a conviction under order the food drink, drug or medical preparation in respect of which the conviction was obtained to be destroyed.

333. (1) Whenever a person is convicted of an offence tended by criminal force or show of force or criminal intimidation and it appears to the court that thereby any person has been

dispossessed of any immovable property, the court may if it thinks fit order that person to be restored to the possession of the same. -

(2) No order under subsection (1) shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit.

334. (1) The seizure by the police of property taken under section 48 or alleged or suspected to have been stolen or found in circumstances which create a suspicion of the commission of an offence shall be forthwith reported to a court which shall make such order as it thinks fit respecting the disposal of the property or its delivery to the person entitled to the possession of it on such conditions as the court thinks fit, or, if such person cannot be ascertained, respecting the custody and production of such property.

(2) Where the person entitled to the possession of property referred to in subsection (1) is unknown, the court may detain it and shall in such case issue a public notice in such form as it thinks fit specifying the articles of which the property consists and requiring any person who may have a claim thereto to appear before the court and establish his claim within six months from the date of the notice.

335. (1) Where no person within six months from the date of the notice establishes his claim to property referred to in that section and if the person in whose possession such property was found is unable to show that it was lawfully acquired by him, such property shall be at the disposal of the court and maybe sold in accordance with the orders of the court.

(2) At any time within two years from the date of the property coming into the possession of the police the court may direct the property or the proceeds of the sale of the property to be delivered to any person proving his title thereto on payment by him of any expenses incurred by the court in the matter.

336. If the person entitled to the possession of property referred to in section 334 is unknown or absent and the property is subject to speedy and natural decay or if the court to which its seizure is reported is of opinion that its sale would be for the benefit of the owner, the court may at any time direct it to be sold and the provisions of section 333 and 335 shall as nearly as may be practicable apply to the net proceeds' of such sale.

#### **CHAPTER XXXI-MISCELLANEOUS**

337 Subject to any rules made by the Chief Judge under section 346 any criminal court may if it thinks fit remit the fees for the issue and service of any witness summons and order payment on the part of the Government the reasonable expenses of any complainant or witness attending for the purpose of any trial, inquiry or other proceeding before such court under this Law or before the High Court where the witness is to be summoned.

338. (1) Whenever under any law in force for the time being a criminal court imposes a fine, the court may, when passing judgment, order that in addition to a fine a convicted person shall pay a sum:-

(a) in defraying expenses properly incurred in the prosecution;

(b) in compensation in whole or in part for the injury caused by the offence committed, where substantial compensation is in the opinion of the court recoverable by civil suit;

(c) in compensating an innocent purchaser of any property in respect of which the offence was committed who has been compelled to give it up;

(d) in defraying expenses incurred in medical treatment of any person injured by the defendant in connection with the offence.

(2) Where the fine referred to in subsection (1) is imposed in a case which is subject to appeal, no such payment additional to the fine shall be made before the period allowed for presenting the appeal has elapsed or, if an appeal is presented, before the decision on the appeal.

339. At the time of awarding compensation in any subsequent civil suit relating to the same matter the court shall take into consideration any sum paid or recovered as compensation under section 338.

340. Any compensation adjudged to be payable under section 78 of the Penal Code and the payment of any money, other than a fine, payable by virtue of any order under this Law, may be enforced as if it were a fine.

341. (1) Where any person affected by a judgment or order passed in criminal court desires to have a copy of any order or deposition to other part of the record other than the judgment, he shall on applying for such copy be furnished with it.

(2) An application under subsection (1) shall be made within a period of two years from the date of judgment or order affecting the applicant.

(3) The applicant shall pay such fee, if any, for the copy as may be prescribed, unless the court or appellate court in any case on account of the poverty of the appellant or for some special reason directs that the copy be furnished without fee.

342. Any police officer may seize any property which may be alleged or suspected to have been stolen or which may be found in circumstances which create suspicion of the commission of any offence and such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer.

343. Any superior police officer may exercise the same powers throughout the local area to which he is appointed as may be exercised by an officer in charge of a police station within the limits of his station.

344. (1) When any person causes the arrest of another person and it appears to the court by which the case is inquired into or tried that there was no sufficient ground for causing such arrest, the court may in its discretion direct the person causing the arrest to pay to the arrested person or each of the arrested persons, if there are more than one, such compensation

not exceeding Two Thousand Naira to each such person as the Court thinks fit and may award a term of imprisonment not exceeding three months in the aggregate in default of payment; and the provisions of sections 74 and 75 of the Penal Code shall apply as if such compensation were a fine.

(2) Before making any direction under subsection (1) the court shall:-

(a) record and consider any objection which the person causing the arrest, if present, may urge against the making of the direction; and

(b) state in writing its reasons for awarding the compensation.

(3) Compensation awarded under this section may be recovered the as if it were a fine.

(4) Any person directed to make a payment of compensation under this section may appeal from the direction as if he had been convicted after trial by the court.

345. Nothing in this. Criminal Procedure shall affect the use or validity of any special forms in respect of any procedure or offence specified under the provisions of any other written law nor the validity of any other procedure provided by any other written law.

345. (1) The Chief Judge may make rules for all or any of the following purposes:-

(a) prescribing fees or expenses to be charged for on in respect of any act or thing done under this Criminal Procedure Code;

(b) prescribing the books and forms of account to be used in magistrates' courts and the keeping of the same;

(c) requiring the making and forwarding of returns of cases decided in magistrates' courts to the Chief Judge or to any ' judge of the High Court and prescribing the forms of and terms of forwarding such returns;

(d) prescribing the imposition of penalties on any person who fails to take any action required by a rule of court or who disobeys any rule of court;

(e) prescribing forms for process, warrants, summonses, orders of court, bonds notices, certificates and receipts;

(f) prescribing the conditions under which statements may be made to the police by accused and other persons and under which such statements may be admitted in evidence;

(g) generally for the better carrying into effect of the provisions and objects and intentions of this Administration of Criminal Justice Law.

(2) Rules of court made under this section shall apply to all proceedings by the state.

347. (1) No person shall try or commit for trial or sit as a member of the court which tries any case to or in which he is a party or personally interested without the consent of the Chief Judge.

(2) A person shall not be deemed to be a party to or personally interested in any case within the meaning of this section by reason only that he is concerned therein in a public capacity or by reason only that he has viewed the place in which an offence is alleged to have been committed or any other place in which any other transaction material to the case is alleged to have occurred or made or held an inquiry in connection with the case.

(2) Where an appeal court or reviewing authority thinks that a failure of justice has been occasioned by an omission to frame a charge, it may order that a charge be framed and that the trial be recommenced from the point at which the appeal court or reviewing authority considers the charge should have been framed.

354. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a court of competent jurisdiction shall be reversed or altered on appeal or review on account of any error, omission or irregularity in the complaint, summons, warrant, charge, public summons, order, judgment or other proceedings before or during trial or in any inquiry or other proceedings under this Law unless the appeal court or reviewing authority thinks that a failure of justice has in fact been occasioned by such error, omission or irregularity.

*EXPLANATION. In determining whether any error, omission or irregularity in any proceeding under this Administration of Criminal Justice Law has occasioned a failure of justice, the court shall have regard to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.*

355. A summons, warrant or other process under any written law shall not be invalidated by reason of the person who signed the same dying or ceasing to hold office or have jurisdiction.

356. A court may at any time amend any defect in substance or in form in any order or warrant issued by such court, and no omission or error as to time and place, and no defect in form in any order or warrant given under this Law, shall be held to render void or unlawful any act done or intended to be done by virtue of such order or warrant, when it is therein mentioned, or may be inferred from it, that it is founded on conviction or judgment, and there is a valid conviction or judgment to sustain the same.

357.(1) In this Administration of Criminal Justice Law:-

"suspect" includes an arrested person, and a person the subject of a complaint or a First Information Report or a police report, even though any such person may not be the subject of a formal charge;

"area head" means a person appointed as district, village or ward head under the Local Government Law;

"complaint" means the allegation made orally or in writing to a court with a view to its taking action under this Criminal Procedure Code that some person whether known or unknown has committed an offence, but except where the context otherwise requires it does not include a police report;

"court" means any court of civil or criminal jurisdiction established by any law or deemed to be so established;

"High Court" means the High Court of Justice of Kwara State;

"investigation" includes all proceedings under Chapter XII or section 147 for the collection of evidence by a police officer; "local limits of the jurisdiction" of a court means the local limits of the administrative division, division or district or judicial division or magisterial district in which the court exercises his or its functions.

"officer in charge of a police station" or "officer in charge of the police station" includes, when



the officer in charge of the police station is absent from—the station building-or unable for any-  
- reason to perform his duties, the police officer present at the station building who is next in  
seniority to, or who in the absence of such officer in charge performs the duty of such officer;

“Penal Code” means the Penal Code established by the Penal Code Law;

“police district” means a police province;

“police officer” means any member of the Nigerian Police;

“superior police officer” shall have the same meaning as in section 2 of the Police Act;

“take cognizance” with its grammatical variations means take notice in an official capacity.

(2) Words which refer to acts done also extend to illegal omissions.

(3) All words and expressions used herein and defined in the Penal Code shall have the  
meanings attributed to them by that Code.

APPENDIX A

Tabular Statement of Offences  
(No. 4 of 2006, Schedule.)

CHAPTER V

Abetment

**Explanatory Notes – 1.** The entries in the second and fifth columns of this Appendix, headed respectively “Offence” and “Punishment under the Penal Code”. Are not intended as definitions of the offences and punishment described in the several corresponding sections of the Penal Code or even as abstracts in these sections, but merely as references to the subject of the section, the number of which is given in the first column.

**2.** By virtue of section 12 of the Criminal procedure Code any offence may be tried by any court with greater powers than those of the court mentioned in column 6

C23 – 103

Criminal Procedure Code Law

CAP. C23

1	2	3	4	5	6	
7						
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
85	Abetment of any offence, if the act abetted is committed in consequence and where no express provision is made for its punishment	May arrest without warrant if arrest for the offence abetted may be made without warrant but not otherwise	According as a warrant or summons may issue for the offence abetted	The same punishment as for the offence abetted	Same court as the offence abetted	Same court as the offence abetted
86	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor	ditto	Ditto	The same punishment as for the offence intended to be abetted	Ditto	ditto

(Issue 1)

CHAPTER V – continued

C23 – 104(Issue 1)

Criminal Procedure Code Law

CAP. C23

1	2	3	4	5	6	
7						
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
87	Abetment of any offence, when one act is abetted and a different act is done	ditto	Ditto		Ditto	ditto
88	Abettor liable to cumulative punishment for act abetted and act done	ditto	Ditto		Ditto	ditto
89	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor	ditto	Ditto		Ditto	ditto
90	Abetment of any offence, if the abettor present when offence is committed	ditto	Ditto	ditto	Ditto	ditto
91	Abetment of any offence, punishable	ditto	ditto	Imprisonment for seven years and	Ditto	ditto

		with death or imprisonment for life, if the offence be not committed in consequence of the abetment			fine		
		If the abettor is a public servant whose duty it is to prevent the offence	ditto	ditto	Imprisonment for fifteen years and fine	Ditto	ditto

CHAPTER V – continued							
1	2	3	4	5	6		
7	Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
C23 – 105 (Issue 1)	92	Abetment of an offence, punishable with imprisonment, if the offence be not committed in consequence of the abetment  If the abettor be a public servant whose duty it is to prevent the offence	May arrest without warrant if arrest for the offence abetted may be made without warrant but not otherwise  ditto	According as a warrant or summons may issue for the offence abetted  ditto	Imprisonment extending to a quarter of a longest term provided for the offence or fine or both  Imprisonment extending of half of the longest term provided for the offence or fine or both	Same court as the offence abetted  ditto	Same court as the offence abetted  ditto
	93	Abetting the commission of an offence by the public or by more than ten person	ditto	ditto	Imprisonment for three years or fine or both	ditto	ditto
	94	Administering unlawful oath to commit offence  If offence is an offence punishable with death	Shall not arrest without warrant  ditto	Warrant  ditto	Imprisonment for seven years or fine or both  Imprisonment for life or less term or fine or both	Chief Magistrate  High Court	Upper Area Court  No jurisdiction

Criminal Procedure Code Law

CAP. C23

CHAPTER VI							
Attempts to Commit Offences							
1	2	3	4	5	6		
7	Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
C23 – 106 (Issue 1)	95	Attempting to commit offence punishable with imprisonment and in such attempt doing any act towards the commission of the offence	According as the offence is one in respect of which the police may arrest without warrant or not	According as the offence is one in respect of which a summons or warrant shall ordinarily issue	Imprisonment extending to half of the longest term provided for the offence or fine or both	The same court as the offence attempted	The same court as the offence attempted
	CHAPTER VII						
Conspiracy to Commit Offences							

CAP. C23

Criminal Procedure Code Law

97	Criminal conspiracy (i) to commit offence punishable with death or life imprisonment (ii) in any other case	Shall not arrest without warrant	Warrant	The same punishment as for abetment of offence	High Court	No jurisdiction
97B	Managing membership or of unlawful society	Ditto	Ditto	Imprisonment for one year or fine or both	Magistrate of the Second Grade	Upper Area Court
		Ditto	ditto	Imprisonment for ten years or fine or both	Chief Magistrate	

CHAPTER VIII							Criminal Procedure Code Law
Breach of Official Trust							
1	2	3	4	5			
6	7						
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
99	Breach of official trust - (i) If communication is made or attempted to agent of foreign government (ii) In any other case	Shall not arrest without warrant Ditto	Warrant Summons	Imprisonment for fourteen years and fine Imprisonment for two years and fine or both	High Court Magistrate of the First Grade	No jurisdiction Upper Area Court	
CHAPTER IX							CAP. C23
Offences against the Public Peace							
102	Being member of an unlawful assembly	Shall not arrest without warrant	Summons	Imprisonment for one year and fine or both	Magistrate of the Second Grade	Area Court Grade II	
103	Being member of an unlawful assembly armed with any deadly weapon	Ditto	Warrant	Imprisonment for five years or fine or both	Magistrate of the first Grade	Area Court Grade I	
104	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse	ditto	ditto	Imprisonment for five years or fine or both	Ditto	Ditto	

CHAPTER IX							CAP. C23
Offences against the Public Peace							
1	2	3	4	5			
6	7						
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
106	Rioting	Ditto	Ditto	Imprisonment for three years and fine or both	ditto	Area Court Grade I	
107	Rioting armed with a deadly weapon	Ditto	ditto	Imprisonment for seven years or fine or both	Chief Magistrate Ditto	Upper Area Court	

	109	Promoting or assisting the promotion of an unlawful assembly	ditto	Summons, or as for any offence committed by any member of the assembly	The same as for a member of such assembly and for any offence committed by any member of such assembly	The court by which the offence is triable	The court by which the offence is triable
	110	Joining or continuing in any assembly of five or more persons knowing that it has been commanded to disperse	Ditto	Summons	Imprisonment for one month or with fine not exceeding one thousand naira	Magistrate of the Second Grade	Area court, Grade II
	111	Wearing and carrying of emblem, flag etc	May arrest without warrant	Summons	Imprisonment for six months or fine or both and forfeiture of emblem flag, etc	Ditto	Ditto

CHAPTER IX – continued							Criminal Procedure Code Law
1	2	3	4	5			
6	7	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
C23 – 109(Issue 1)	Section	Offence					
	112	Assaulting or obstructing public servant when suppressing riot, etc	Ditto	Warrant	Imprisonment for five years and fine or both	Area Court Grade I	
	113	Disturbance of public peace	Ditto	Summons	Imprisonment for two years or fine of N2,000.00 or both	Magistrate of the second Grade	
	114	Inciting disturbance	ditto	ditto	Imprisonment for three years or with fine which may extent to five thousand naira or both	Ditto	
CHAPTER X							CAP. C23
Offences by or Relating to Public Servants							
	115	Being or expecting to be a public servant and taking a gratification other than lawful remuneration in respect of an official act  If such public servant acting in judicial capacity or carrying out duties of police officer	Shall not arrest without warrant  Ditto	Warrant  Ditto	Imprisonment for seven years or fine or both  Imprisonment for fourteen years or fine or both	Chief Magistrate  High Court	

CHAPTER X							CAP. C23
1	2	3	4	5			
6	7	Whether the police may arrest without warrant or	Whether a warrant or a summons shall	Punishment under the Penal	Court with least powers by which triable (but see	Area Court with least powers by which triable	
C23 – 110 (Issue 1)	Section	Offence					

			not (see section 26)	ordinarily issue in the first instance (see section 154)	Code	Explanatory Note 2 at head of Appendix)	
116	Taking a gratification in order to influence a public servant	Ditto	Ditto	Ditto	Imprisonment for three years or fine or both	Magistrate of the first Grade	Ditto
117	Abetment by public servant of an offence under section 116 with reference to himself	Ditto	ditto	ditto	ditto	ditto	Ditto
118	Offering or giving gratification to public servant in respect of official act or in order to influence him	ditto	ditto	ditto	ditto	Chief Magistrate	
119	Public servant obtaining any valuable thing without consideration from a person concerned in any proceeding or business transacted with such public servant	Ditto	ditto	ditto	Imprisonment for seven years or fine or both	Ditto	Ditto
120	Offering or giving valuable thing to public servant without consideration	Shall not arrest without warrant	Warrant		Imprisonment for five years or fine or both	Magistrate of the First Grade	No jurisdiction
121	Third person profiting by gratification or benefit obtained by public servant	Ditto	ditto	ditto	Imprisonment for two years or fine or both	Ditto	Ditto

CHAPTER X – continued							Criminal Procedure Code Law
1	2	3	4	5			
6	7	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
C23 – 111							
(Issue 1)	122	Public servant dishonestly receiving money or property not due	Ditto	Ditto	Imprisonment for five years or fine or both	ditto	Ditto
	123	Public servant disobeying a direction of law with intent to cause injury or to save person from punishment or property from forfeiture	Ditto	summons	Imprisonment for five years or fine or both	ditto	Ditto
	124	Public servant framing an incorrect record or writing or mistranslating document with intent to cause injury	ditto	warrant	Imprisonment for five years or fine or both	ditto	ditto
	125	Public servant in a	Ditto	ditto	Imprisonment for ten years	High Court	Ditto

	126	judicial proceeding making or pronouncing a report, order, judgment or decision which he knows to be contrary to law  Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law	Ditto	ditto	ditto	ditto	Ditto	
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		CHAPTER X – continued							
		1	2	3	4	5			
		6	7						
C23 – 112 (Issue 1)	Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	Criminal Procedure Code Law  CAP. C23	
	127	International omission to arrest or intentional sufferance or aiding of escape on part of public servant whose duty it is to arrest or to keep a person in confinement or custody –  (a) if offender is under sentence to death  (b) if offender is under sentence of imprisonment for ten years or upwards or is charged with an offence punishable with death  (c) if offender is under sentence of imprisonment for less than ten years or is charged with offence punishable with imprisonment for term which may extend to ten years	ditto  Ditto  Shall not arrest without warrant	Ditto  ditto  warrant	Imprisonment for fourteen years with or without fine  Imprisonment for seven years with or without fine  Imprisonment for three years or fine or both	High Court  Chief Magistrate	ditto  Ditto  Area Court Grade II		

		CHAPTER X – continued							
		1	2	3	4	5			
		6	7						
C23 – 113 (Issue 1)	Section	Offence	Whether the police may arrest without warrant or not (see section	Whether a warrant or a summons shall ordinarily issue in the	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory	Area Court with least powers by which triable	CAP. C23	
			(see section	issue in the		Explanatory			

		26)	first instance (see section 154)	Note 2 at head of Appendix)	
	(d) in any other case	Ditto	Ditto	Magistrate of the Second Grade	Ditto
128	Negligent omission to arrest or negligent sufferance of escape on part of public servant whose duty it is to arrest or to keep in confinement or custody	Ditto	summons	Imprisonment for two years or fine or both Ditto	Ditto
129	Public servant willfully omitting to perform duty, if such omission causes danger, etc	ditto	ditto	Ditto	ditto
130	Public servant wrongfully abandoning duty	Ditto	ditto	Ditto	Ditto
131	Public servant unlawfully buying or bidding for property	Ditto	ditto	ditto	ditto
132	Personating a public servant	Ditto	warrant	Imprisonment for three years or fine or both	ditto
133	Wearing dress or carrying token used by public servant with intent that it may be believed that the offender is such public servant	Ditto	summons	Imprisonment for six months or fine of N2,000.00 or both	Ditto

CHAPTER XI							CAP. C23 Criminal Procedure Code Law
1	2	3	4	5	6	7	
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
134	Absconding to avoid service of summons or other proceeding from a public servant	Shall not arrest without warrant	summons	Imprisonment for one month or fine of N1,000.00 or both	Ditto	Ditto	
135	If summons or notice requires attendance, in person, etc., in a court of justice	ditto	Ditto	Imprisonment for three months or fine of N2,000.00 or both	Ditto	ditto	
	(i) Preventing the service or the affixing of any summons or notice or the removal of it when it has	Shall not arrest without warrant	summons	Imprisonment for one month or fine of N1,000.00 or both	Ditto	Ditto	



136	<p>been affixed or preventing a public summons</p> <p>(ii) if summons, etc., requires attendance in person, etc., in a court of justice</p> <p>(a) not obeying a legal order to attend at a certain place in person or by agent or departing therefrom without authority</p>	Ditto	ditto	<p>Imprisonment for three months or fine of N2,000.00 or both</p> <p>Imprisonment for one month or fine of N1,000.00 or both</p>	Ditto	Ditto
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CHAPTER XI							Criminal Procedure Code Law
1	2	3	4	5			
6	7						
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
137	(b) If the summons, etc., requires personal attendance, or attendance by agent in a court of justice	ditto	ditto	Imprisonment for three months or fine of N2,000.00 or both	Ditto	Ditto	
	(a) intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document	ditto	ditto	Imprisonment for one month or fine of N1,000.00 or both	Ditto	Ditto	
138	(b) if the document is requires to be produced in or delivered to a court of justice	Ditto	Ditto	Imprisonment for three months or fine of N2,000.00 or both	Ditto	Ditto	
	(a) intentionally omitting to Give notice or information to a public servant by a person legally bound to give such notice or information	ditto	ditto	Imprisonment for one month or fine of N2,000.00 or both	Ditto	Ditto	
	(b) If the notice or information required respects the commission of an offence etc			Imprisonment for three months or fine of N2,000.00 or both			

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1	2	3	4	5		
6	7					
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
139	(a) knowingly furnishing false information to a public servant	Ditto	ditto	Imprisonment for three months or fine of N2,000.00 or both	Ditto	Ditto
		Ditto	ditto	Imprisonment for two years or fine or both	Ditto	ditto
140	(b) if the information required respect the commission of an offence, etc	Shall not arrest without warrant	summons	Imprisonment for six months or fine of N2,000.00 or both	Ditto	Ditto
	giving false information to a public servant in order to cause him to do or omit to do something or to use his lawful power to the injury or annoyance of any person					
141(i)		Ditto	Ditto		Ditto	Ditto
142		Ditto	ditto	Imprisonment for six months or fine of N2,000.00 or both	Ditto	Ditto
	Refusing oath when duly required to take oath by public servant			Imprisonment for six months or fine of N2,000.00 or both		
	Refusing to answer questions when legally bound to answer					

CHAPTER XI – continued							Criminal Procedure Code Law	
1	2	3	4	5				
6	7							
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable		
143	Refusing to sign a statement made to a public servant when legally required	Ditto	Ditto	Imprisonment for three months or fine of N1,000.00 or both	ditto	ditto		
134	Resistance to the taking of property by the lawful authority of a public servant	ditto	ditto	Imprisonment for six months or fine of N2,000.00 or both	ditto	ditto		
145		Ditto	Ditto		ditto	ditto	ditto	
146		Ditto	Ditto		Imprisonment for one month or fine of N1,000.00 or both	ditto	ditto	
147		Ditto	Ditto		Imprisonment for three years or fine or both	ditto	ditto	
148		Ditto	Ditto		Imprisonment for one month or fine of N1,000.00 or both	ditto	ditto	
	Obstructing public servant in discharge of his public functions			Imprisonment for three months or fine of N2,000.00 or both				

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CHAPTER XI – continued							Criminal Procedure Code Law
1	2	3	4	5			
6	7						
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
149	Obstructing public servant in discharge of duty under written law	Ditto	Ditto	Imprisonment for two years or fine of both	ditto	ditto	
150	Omission to assist public servant when legally bound to give such assistance	ditto	ditto	Imprisonment for six months or fine of N2,000.00 or both	ditto	ditto	
151(i)	Contravention of residence order	may arrest without warrant	Ditto	Imprisonment for six months or fine of N5,000.00 or both	Magistrate of the Second Grade	Area Court, Grade I	
152	Disobedience to an order lawfully promulgated by a public servant –	Shall not arrest without	Ditto		Magistrate of the Second Grade	Area Court, Grade II	

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	(a) if such disobedience causes obstruction, annoyance or injury to persons lawfully employed	warrant	Ditto	Imprisonment for three months or fine of N2,000.00 or both	ditto	Area Court, Grade I
	(b) if such disobedience causes danger to human life, etc			Imprisonment for six months or fine of N5,000.00 or both		

CHAPTER XI – continued						
1	2	3	4	5		
6	7					
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
153	Threatening a public servant with injury to him or one in whom he is interested to induce him to do or forbear to do any official act	Ditto	Ditto	Imprisonment for two years and fine or both	Ditto	Area Court Grade II
154	Threatening any person to induce him to refrain from applying for protection of public servant	Ditto	Ditto	Imprisonment for one year or fine or both	Ditto	Ditto
155	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding	ditto	ditto	Imprisonment for six months or fine of N2,000.00 or both	ditto	Ditto
CHAPTER XII						
False Evidence and Offences relating to the Administration of Justice						
Offences relating to Evidence						
158	(a) Giving or fabricating false evidence in a judicial proceeding	Shall not arrest without warrant	Warrant	Imprisonment for fourteen years and fine	Chief Magistrate	No jurisdiction
	(b) Giving or fabricating false evidence in any other case	Ditto	Ditto	Imprisonment for seven years and fine or both	Ditto	

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CHAPTER XII – continued					
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Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
159	Giving or fabricating false evidence with intent to cause any person to be convicted of an offence punishable with death	Ditto	Ditto	Imprisonment for life and fine	High Court	Upper Area Court
160	If innocent person be thereby convicted and executed	ditto	ditto	Death	ditto	ditto
161	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment	shall not arrest without warrant	warrant	The same as for the offence	Chief Magistrate	Upper Area Court
162	Using in a judicial proceeding evidence known to be false or fabricated	Ditto	Ditto	The same as for giving or fabricating false evidence	The same court as may try giving or fabricating the false evidence	As column 6
163	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence	Ditto	Ditto	The same as for giving false evidence	The same court as may try giving false evidence	ditto
	Using as a true certificate one known to be false in a material point	Ditto	Ditto	Ditto	ditto	ditto

CHAPTER XII – continued

7						
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
164	False statement made in any declaration which is by law receivable as evidence	Ditto	Ditto	Ditto	Ditto	Ditto
165	Using as true any such declaration known to be false	Ditto	Ditto	Ditto	Ditto	Ditto
166	Making false translation for use in judicial proceeding	ditto	Ditto	Ditto	ditto	ditto
	Secreting or destroying any document to prevent its production as evidence	ditto	Warrant	Imprisonment for two years or fine or both	Magistrate of the second Grade	upper Area Court

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Screening of Offenders						
1	2	3	4	5	6	7
167	Causing disappearance of evidence of an offence committed to screen offender or giving false information touching it to screen the offender or prevent his arrest or harbouring an offender	Shall not arrest without warrant	Warrant	Imprisonment for five years and fine		Area Court, Grade I
168			Ditto	Ditto		Ditto
169	Taking gratification to screen an offender from punishment	Ditto	Warrant	Imprisonment for seven years and fine	Chief Magistrate	Upper Area Court
	Offering gratification in consideration of screening offender	Shall not arrest without warrant				
CHAPTER XII – continued						
Resistance to Arrest, and Escape						
1	2	3	4	5	6	7
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
170	Harbouring robber or brigands	May arrest without warrant	Ditto	Imprisonment for ten years and fine	Ditto	Ditto
171	(a) Resistance or obstruction to the lawful arrest of another person or rescuing him from lawful confinement custody	May arrest without warrant	warrant	Imprisonment for seven years or fine or both	Ditto	Ditto
172	(b) If under sentence of death	Ditto	Ditto	Imprisonment for life and fine	High Court	No jurisdiction
173	Resistance or obstruction by a person to his lawful arrest for an offence with which he is charged or of which he has been convicted or escape from custody in respect of such offence	Ditto	Ditto	Imprisonment for seven years or fine or both	Chief magistrate	
	Resistance or obstruction to arrest or escape in other cases	Ditto	Ditto	Imprisonment for two years or fine or both	Magistrate of the Second Grade	Area Court, Grade II
CHAPTER XII – continued						
Fraudulent Dealing with Property						
1	2	3	4	5	6	7

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Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
174	Fraudulent or dishonest dealing with property to prevent its seizure or its application according to law	May arrest without warrant	warrant	Imprisonment for five years or fine or both	Magistrate of the First Grade	
175	Fraudulent suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied	Ditto	Ditto	Ditto	Magistrate of the First Grade	Ditto
176	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied	Ditto	Ditto	Ditto	Ditto	Ditto
177	Fraudulent execution of deed of transfer containing a false statement of consideration	Ditto	Ditto	Ditto	Ditto	Ditto
Miscellaneous						
178	Giving false information respecting an offence committed	Shall not arrest without warrant	Warrant	Imprisonment for five years or fine or both	Magistrate of the First Grade	

CHAPTER XII – continued						
1	2	3	4	5		
6	7					
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
179	Personation for the purpose of any act or proceeding in a suit or criminal prosecution	Ditto	Ditto	Imprisonment for three years or fine or both		Area Court, Grade II
180	False charge of offence made with intent to injure	Ditto	Ditto	Imprisonment for two year or fine or both	Magistrate of the Second Grade	Area Court, Grade II
181	If offence charged be punishable	Ditto	Ditto	Imprisonment for seven years or fine or both	Chief Magistrate	
182	Taking gift to help recover movable property of which a person has been deprived by an offence without endeavouring to cause offender to be brought to justice	Ditto	Summons	Imprisonment for five years or fine or both	Ditto	
	Influencing course of justice				Magistrate of the First Grade	

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CHAPTER XIII						
Public Nuisance						
184	Adulterating, etc., food or drink intended for sale, without notice to purchaser	Shall not arrest without warrant	summons	Imprisonment for two years or fine of N10,000.00	Senior Magistrate	Upper Area Court

CHAPTER XIII – continued						
1	2	3	4	5		
6	7					
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
185	Selling food or drink not corresponding to description	Ditto	Ditto	Fine of N5,000.00	Magistrate of the Second Grade	Area Court, Grade II
186	Selling adulterated food or drink	ditto	Ditto	Imprisonment for one year or fine of N10,000.00 or both	Senior Magistrate	Upper Area Court
187	Selling any article as food or drink, knowing the same to be noxious	ditto	Ditto	Imprisonment for five years or fine or both	Magistrate of the Second Grade	Area Court, Grade II
188	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy or to change its operation or to make it noxious	shall not arrest without warrant	Summons	Imprisonment for five years or fine of N10,000.00	Senior Magistrate	Upper Area Court
189	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated	Ditto	Ditto	Ditto	ditto	ditto
190	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation	Ditto	Ditto	Ditto	ditto	Ditto
191	Fouling the water of a public well or reservoir	Ditto	Ditto	Imprisonment for five years and with fine	Magistrate of the First Grade	

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CHAPTER XIII – continued						
1	2	3	4	5		
6	7					
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
192	Making atmosphere noxious to health	Ditto	Ditto	Imprisonment for two years and with fine	Magistrate of the Second Grade	
193	Exhibition of a false light, mark or buoy	May arrest without warrant	warrant	Imprisonment for seven years or fine or both	Chief Magistrate	

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194	Causing obstruction in any public way or line of navigation	ditto	Summons	Imprisonment for two years or fine or both	Magistrate of the Second Grade	Area Court, Grade II
195	Employees engaged on work of public utility ceasing work without notice	shall not arrest without warrant	Ditto	Imprisonment for six months or fine or both	Ditto	Area Court, Grade II
196			Ditto	Imprisonment for one year or fine N10,000.00 or both	Senior Magistrate	Upper Area Court
197	Rash or negligent act or conduct endangering human life, etc	shall not arrest without warrant	Ditto	Imprisonment for one year or fine N5,000.00 or both	Magistrate of the Second Grade	Area Court, Grade II
	A person omitting to control any animal in his possession, so as to guard against danger to human life or of grievous hurt from such animal	Ditto				

CHAPTER XIII – continued							Criminal Procedure Code Law
1	2	3	4	5	6	7	
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
198	Committing a public nuisance	Shall not arrest without warrant	Summons	Imprisonment for one year or fine or both	Ditto	Ditto	
199	Continuance of nuisance after injunction discontinued	May arrest without warrant	Ditto	Imprisonment for three years or fine or both	Ditto	Ditto	
200			warrant	Imprisonment for two years or fine or both	Ditto	Ditto	
201	Obscene or indecent acts	ditto	Summons	Imprisonment for two years or fine or both	Ditto	Ditto	
202	Keeping a brothel	ditto	Warrant	Imprisonment for two years or fine or both	Ditto	Ditto	
203	Sale, etc., of obscene books etc., or having such books in possession for sale or exhibition  Obscene songs etc	Ditto	Ditto	Imprisonment for six months or fine or both	Ditto	Ditto	

CHAPTER XIV							CAP. C23
Lotteries and Gaming Houses							
1	2	3	4	5	6	7	

Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
205	Keeping a gaming-house or lottery office	Shall not arrest without warrant	Summons	Imprisonment for two years or fine or both	Ditto	Ditto
206	Offences relating to lotteries	Ditto	Ditto	Imprisonment for six months or fine or both	Ditto	Ditto
CHAPTER XV						
Cruelty to Animals						
207	Ill-treating domestic animals	May arrest without warrant	Summons	Imprisonment for three months or fine of N1,000.00 or both	Ditto	Ditto
208	Over-riding or neglecting animal	Ditto	Ditto	Imprisonment for one year or fine of N2,000.00 or both	Ditto	Ditto

CHAPTER XVI							Criminal Procedure Code Law
Lotteries and Gaming Houses							
1	2	3	4	5			
6	7						
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
210	Insulting religious creed	May arrest without warrant	Summons	Imprisonment for two years or fine or both	Ditto	Ditto	
211	Destroying, damaging or defiling a place of worship or sacred object with intent to insult the religion of any class of persons	Ditto	Ditto	Ditto	Ditto	Ditto	
212		Ditto	Ditto	Imprisonment for two years or fine or both	Ditto	Ditto	
213	Causing a disturbance to an assembly engaged in religious worship	Ditto	Ditto	Imprisonment for two years or fine or both	Ditto	Ditto	
	Trespassing in place of worship or burial or disturbing funeral, with intention to						

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		wound the feelings or to insult the religion of any person or offering indignity to a human corpse					
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C23 - 130  (Issue 1)		CHAPTER XVI Lotteries and Gaming Houses					Criminal Procedure Code Law  CAP. C23
		1	2	3	4	5	
		6	7				
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
214	Trial by ordeal	May arrest without warrant	Warrant	Imprisonment for ten years or fine or both	Chief Magistrate	Upper Area Court	
216	If such trial results in death	Ditto	Ditto	Death	High Court	No Jurisdiction	
	Offences relating to witchcraft and juju	Ditto	Ditto	Imprisonment for two years or fine or both	Magistrate of the Second Grade		
217	Criminal charms	Ditto	Ditto	Imprisonment for five years or fine or both	Magistrate of the First Grade	Area Court Grade I	
218	Cannibalism	Ditto	Ditto	Imprisonment for five years or fine or both	Ditto	Ditto	
219	Unlawful possession of human head	Ditto	Ditto	Imprisonment for ten years or fine or both	Chief Magistrate		

C23 - 131  (Issue 1)		CHAPTER XVIII Offences affecting the Human Body					Criminal Procedure Code Law  CAP. C23
		1	2	3	4	5	
		6	7				
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
221	Culpable homicide punishable with death	May arrest without warrant	Warrant	Death	High Court	No jurisdiction	
224	Culpable homicide not punishable with death	Ditto	Ditto	Imprisonment for life or fine or both	Ditto	Ditto	
225	Causing death when intention is to cause hurt or grievous hurt only	Ditto	Ditto	Imprisonment for fourteen years or fine or both	Ditto	Ditto	
226	Death caused in act of	Ditto	Ditto	Imprisonment	Ditto	Ditto	

227	committing offence	Ditto	Ditto	for ten years or fine or both	Ditto	Ditto
228	Abetment of suicide committed by a child or insane or delirious person or idiot or a person intoxicated	Ditto	Ditto	Death	Ditto	Ditto
229	Abetting the commission of suicide	Ditto	Ditto	Imprisonment for ten years and fine	Ditto	Ditto
	Attempt to commit culpable homicide punishable with death	Ditto	Ditto	Imprisonment for life or fine or both	Ditto	Ditto
	Attempt by life convict to commit culpable homicide punishable with death, if hurt is cause			Death		

CHAPTER XVIII – continued						
1	2	3	4	5	6	
7						
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
230	a) Attempt to commit culpable homicide not punishable with death	Ditto	Ditto	Imprisonment for five years or fine or both	Ditto	Ditto
	b) If hurt is caused	Ditto	Ditto	Imprisonment for ten years or fine or both	Ditto	Ditto
231	Attempt to commit suicide	Ditto	Ditto	Imprisonment for two years or fine or both	Magistrate of the Second Grade	
Causing Miscarriage, Injuries to Unborn Children, Exposure to Infants, Cruelty to Children, and the Concealment of Births						
232	Causing miscarriage	Shall not arrest without warrant	Warrant	Imprisonment for fourteen years or fine or both	High Court	No jurisdiction
233	Death caused by an act done with intent to cause miscarriage	Ditto	Ditto	Imprisonment for fourteen years and fine	Ditto	Ditto
	If act done without woman's consent	Ditto	Ditto	Imprisonment for life and fine	Ditto	Ditto
234	(a) Causing miscarriage unintentionally	Ditto	Ditto	Imprisonment for three years or fine or both	Ditto	Ditto

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C23 - 133  (Issue 1)		CHAPTER XVIII - continued					Criminal Procedure Code Law  CAP. C23
		1 6	2 7	3	4	5	
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
235	(b) If offender knew woman to be with child	Ditto	Ditto	Imprisonment for five years and with fine	Ditto	Ditto	
236	Act done with intent to prevent a child being born alive or to cause it to die after his birth	Ditto	Ditto	Imprisonment for fourteen years or fine or both	Ditto	Ditto	
237	Causing death of a quick unborn child by an act amounting to culpable homicide	May arrest without warrant	Ditto	Imprisonment for life or fine or both	Ditto	Ditto	
238	Exposure of a child under twelve years of age by parent or person having care of it with intention of wholly abandoning it	Shall not arrest without warrant	Ditto	Imprisonment for ten years or fine or both	Magistrate of the Second Grade	Area Court, Grade II	
228	(a) Cruelty to children	Ditto	Ditto	Imprisonment for two years or fine or both		Area Court, Grade I	
239	(b) If serious injury caused to health of child	May arrest without warrant	Warrant	Imprisonment for five years or fine or both	Magistrate of the first Grade	Area Court, Grade I	
	Concealment of birth by secret disposal of dead body			Imprisonment for five years or fine or both			
C23 - 134  (Issue 1)		CHAPTER XVIII - continued					Criminal CAP. C23
		1 6	2 7	3	4	5	
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	

244	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	Shall not arrest without warrant	Summons	Imprisonment for three months or fine of N2,000.00 or both	Magistrate of the Second Grade	Area Court, Grade II
245	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	May arrest without warrant	ditto	Imprisonment for one year or fine of N3,000.00 or both	Magistrate of the Second Grade	Area Court, Grade II
246	Voluntarily causing hurt without provocation	shall not arrest without warrant	Ditto	Imprisonment for two years or fine of N5,000.00 or both	Magistrate of the Second Grade	Area Court, Grade II
247	Voluntarily causing grievous hurt without provocation	may arrest without warrant	Ditto	Imprisonment for seven years and fine	Chief Magistrate	Area Court, Grade II
248	(a) Voluntarily causing hurt by dangerous weapon or means	Ditto	Ditto	Imprisonment for three years and with	Magistrate of the First Grade	Area Court, Grade II

CHAPTER XVIII - continued							C23
1	2	3	4	5			
6	7						
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	Criminal Procedure Code Law  CAP.
249	(b) If the hurt be grievous	Ditto	Warrant	Imprisonment for fourteen years and fine	High Court	No jurisdiction	
250	Administering stupefying drug with intent to cause hurt, etc	Ditto	ditto	Imprisonment for ten years and fine	Ditto	Ditto	
251	Voluntarily causing hurt to extort property or a document of title or to constrain to do anything which is illegal or which may facilitate the commission of an offence	Ditto	Ditto	Imprisonment for ten years and fine	Chief Magistrate	Upper Area Court	
251	If the hurt be grievous	Ditto	Ditto	Imprisonment for fourteen years and fine	High Court	No jurisdiction	
251	If the hurt be grievous	Ditto	Ditto	Imprisonment for seven years and fine	Chief Magistrate	Upper Area Court	
252(I)	Voluntarily causing hurt to extort confession or information or to compel restoration of property, etc	Ditto	Ditto	Imprisonment for ten years and fine	Ditto	Ditto	
		Ditto	Ditto	Imprisonment for ten years and fine	Magistrate of the First Grade	Area Court, Grade II	

	sued			under any other section			
259	Wrongful confinement in secret	Ditto	Ditto	Ditto	ditto	ditto	Area Court, Grade II
260	Wrongful confinement for the purpose of extorting property or constraining to an illegal act, etc.	Ditto	Ditto	Imprisonment for three years and fine ditto		ditto	
261	Wrongful confinement for the purpose of extorting confession or information or of compelling restoration of property, etc.	Ditto	Ditto				
+Criminal Force and Assault							
265	Assault or use of criminal force otherwise than on grave provocation If hurt is grievous	May arrest without Warrant  Ditto	Summons  Ditto	Imprisonment for one year or fine or both  Imprisonment for three years or fine or both	Magistrate of the Second Grade  ditto	Area Court, Grade II  Area Court, Grade II	
CHAPTER XVIII – continued							
C23 – 138  (Issue 1)	1	2	3	4	5	6	7
	Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
	266	Assault or use of criminal force on grave provocation	ditto	ditto	Imprisonment for three months or fine of ₦2,000.00 or both	ditto	Area Court, Grade II
	267	Assault or use of criminal force to deter a public servant from discharge of his duty	Ditto	Warrant	Imprisonment for three years or fine or both	ditto	Area Court, Grade II
	268	Assault or use of criminal force to a woman with intent to out-rage her modesty	Ditto	Ditto	Ditto	ditto	Area Court, Grade II
	269	Assault or criminal force in attempt to commit theft of property worn or carried by a person	Ditto	Ditto	Ditto	ditto	Area Court, Grade II
	270	Assault or use of criminal force in attempt wrongfully to con-fine a person	Ditto	Ditto	Imprisonment for two years or fine or both	ditto	Area Court, Grade II
Criminal Procedure Code Law  CAP. C23							

C23 139 (Iss	CHAPTER XVIII – continued Kidnapping, Abduction and Forced Labour							CA P. C23
	1	2	3	4	5	6	7	

Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
273	Kidnapping	ditto	Warrant	Imprisonment for ten years and fine	Chief Magistrate	
274	Kidnapping or abducting in order to commit culpable homicide	ditto	Ditto	Imprisonment for fourteen years and fine	High Court	No jurisdiction
275	Procuration of minor girl	ditto	Ditto	Imprisonment for ten years and fine	Chief Magistrate	Upper Area Court
276	Importation of girl from foreign country	ditto	Ditto	ditto	ditto	ditto
277	Concealing or keeping in confinement a kidnapped or abducted person	May arrest without warrant	Warrant	The same punishment as for kidnapping or abducting	Court by which the kidnapping or abduction could be tried	Upper Area Court
278	Buying, selling, hiring or letting to hire a minor for purposes of prostitution, etc.	ditto	Ditto	Imprisonment for ten years and fine	Chief Margistrate	ditto
279	Buying or disposing of slave	ditto	Ditto	Imprisonment for fourteen years and fine	High Court	No jurisdiction

CHAPTER XVIII – continued							
1	2	3	4	5	6	7	
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
280	Unlawful compulsory labour	ditto	ditto	Imprisonment for one year or fine or both	Magistrate of Second Grade		
281	Traffic in women	Ditto	Ditto	Imprisonment for seven years and fine	Chief Magistrate	Upper Area Court	
<i>Rape, and Unnatural and Indecent Offences against the Person</i>							
283	Rape	ditto	Ditto	Imprisonment for life and fine	High Court	No jurisdiction	
284	Unnatural offence	ditto	Ditto	Imprisonment for fourteen years and fine	ditto	ditto	
285	Gross indecency upon person	ditto	Ditto	Imprisonment for seven years and fine	Chief Magistrate	Upper Area Court	

C23 (Issue 1) - 141	CHAPTER XVIII – continued <i>Offences against Property</i> <i>Theft</i>							CAP. C23
	1	2	3	4	5	6	7	
	Section	Offence	Whether the police may arrest without warrant or not	Whether a warrant or a summons shall ordinarily	Caning and two thousand naira for subsequent offences	Court with least powers by which triable (but see Explanatory	Area Court with least powers by which triable	



			(see section 26)	issue in the first instance (see section 154)		Note 2 at head of Appendix)	
	287	Theft	May arrest without warrant	Warrant	Caning and two thousand naira for subsequent offences	Magistrate of the Second Grade	Area Court Grade I
	288	Theft in a building, tent or ves-sel	ditto	Ditto	Imprisonment for seven years or fine or both	Chief Magistrate of the First Grade	
	289	Theft by clerk or servant of property in possession of mas-ter or employer	May arrest without warrant	Warrant	Imprisonment for five years or fine or both	Magistrate of the First Grade	Area Court, Grade I
	290	Theft, preparation having been made for causing death or hurt or restaraint, or fear of death or hurt or of restraint, in order to commit such theft or to es-cape after committing it or to retain property taken by it	ditto	Ditto	Imprisonment for ten years and fine	Chief Magistrate	Upper Area Court

C23 - 142  (Issue 1)		CHAPTER XIX - continued <i>Extortion</i>					Criminal Procedure Code Law	CAP. C23
		1	2	3	4	5		
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable		
292	Extortion	Shall not arrest without warrant	Warrant	Imprisonment for five years or fine both	Magistrate of the First Grade	Area Court, Grade I		
293	Putting or attempting to put in fear of injury, in order to com-mit extortion	ditto	Ditto	Imprisonment for two years or fine or both	Magistrate of the Second Grade	Area Court, Grade II		
294	Extortion by putting a person in fear of death or grievous hurt	ditto	Ditto	Imprisonment for fourteen years and fine		No jurisdiction		
295	Extortion by threat of accusa-tion of an offence punishable with death or imprisonment for ten years	ditto	Ditto	ditto	ditto	No jurisdiction		
<i>Robbery and Brigandage</i>								
298	Robbery	May arrest without warrant	Warrant	Imprisonment for twenty-one years, fined and caned	High Court	No jurisdiction		
C23 - 143  (Issue 1)		CHAPTER XIX - continued					Criminal Procedure Code Law	CAP. C23
		1	2	3	4	5		
Section	Offence	Whether the police may arrest without warrant or	Whether a warrant or a summons shall ordinarily	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory	Area Court with least powers by which triable		

		<i>not (see section 26)</i>	<i>issue in the first instance (see section 154)</i>		<i>Note 2 at head of Appendix)</i>	
	If committed by person armed with dangerous or offensive weapon or instrument	ditto	Ditto	Imprisonment for life and caning	ditto	ditto
299	Attempt to commit robbery	ditto	ditto	Imprisonment for fourteen years, fine and caning	ditto	ditto
300	Person voluntarily causing hurt in committing or attempting to commit robbery or any other person jointly concerned in such robbery	May arrest without warrant	Warrant	Imprisonment for twenty-one years, fine and canning	High Court	No jurisdiction
301	Brigandage	Ditto	Ditto	ditto	ditto	ditto
302	Brigandage with culpable homicide	ditto	Ditto	Death	ditto	ditto
303(1)	Robbery or brigandage with deadly weapon or grievous hurt	ditto	ditto	Death	ditto	ditto
	(i) With service uniform or equipment		ditto	Death ditto	ditto	ditto
	(ii) With service weapon		ditto	ditto	ditto	ditto
	(iii) With firearm		ditto		ditto	ditto
			Ditto	ditto	ditto	ditto

CHAPTER XIX – continued						
1	2	3	4	5	6	7
<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not (see section 26)</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)</i>	<i>Area Court with least powers by which triable</i>
304 (1)	Making preparation to commit brigandage	ditto	ditto	Imprisonment for fourteen years with or without fine and canning	ditto	ditto
304 (2)	ditto punishable under section 303 (1) (b)	ditto	warrant	Imprisonment for not less than twenty-one years, fine and canning	ditto	ditto
305	Belonging to a gang of persons associated for the purpose of habitually committing brigandage	ditto	Ditto	Imprisonment for fourteen years and fine	ditto	ditto
306	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts or robbery	ditto	Ditto	Imprisonment for ten years and fine	ditto	ditto
307	Being one of five or more persons	May arrest without	Warrant	Imprisonment for ten years and	High Court	No jurisdiction

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(Issue 1)

Criminal Procedure Code Law

CAP. C23

		assembled for the purpose of committing brigandage	warrant		fine			
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C23 - 145  (Issue 1)		CHAPTER XIX - continued <i>Criminal Misappropriation</i>							CAP. C23  Criminal Procedure Code Law
		1	2	3	4	5	6	7	
Section	Offence	<i>Whether the police may arrest without warrant or not (see section 26)</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)</i>	<i>Area Court with least powers by which triable</i>			
309	Criminal misappropriation	Shall not arrest without warrant	Warrant	Imprisonment for two years of fine or both	Magistrate of the Second Grade	Area Court, Grade II			
310	(a) Criminal misappropriation knowing that the property was in possession of a deceased person at his death and that it has not since been in the possession of any person legally entitled to it (b) If by clerk or servant of deceased	ditto	ditto	Imprisonment for three years and fine  Imprisonment for seven years and fine	ditto  Chief Magistrate	ditto			
<i>Criminal Breach of Trust</i>									
312	Criminal breach of trust	May arrest without warrant	Warrant	ditto	Chief Magistrate				
313	Criminal breach of trust by a carrier, wharfinger, etc.	ditto	Ditto	ditto	ditto				

		CHAPTER XIX - continued							
		1	2	3	4	5	6	7	
Section	Offence	<i>Whether the police may arrest without warrant or not (see section 26)</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)</i>	<i>Area Court with least powers by which triable</i>			
314	Criminal breach of trust by a clerk or servant	ditto	ditto	ditto	ditto				
315	Criminal breach of trust by public servant or by banker, merchant or agent etc.	Ditto	Ditto	Imprisonment for fourteen years and fine	ditto				
<i>Receiving Stolen Property</i>									
317	Dishonestly receiving stolen property, knowing it to be stolen	May arrest with-out warrant	warrant	Imprisonment for fourteen years and fine	Chief Magistrate				
318	Dishonestly receiving stolen	May arrest with-out	warrant	Imprisonment for life and fine	High Court	Upper Area Court			

		property knowing that it was obtained by brigandage	warrant					
	319	Assisting in concealment or disposal of stolen property, knowing it to be stolen	ditto	Ditto	Imprisonment for five years or fine or both	Magistrate of the First Grade	Area Court, Grade I	

*Having Possession of Thing Reasonably Suspected of having been Stolen*

	319A	Assault or use of criminal force in attempt wrongfully to con-fine a person	May arrest with-out warrant	Ditto	Imprisonment for six months or fine both	Magistrate of the Second Grade		
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C23 - 147  (Issue 1)		CHAPTER XIX - continued <i>Cheating</i>							CAP. C23  Criminal Procedure Code Law
		1	2	3	4	5	6	7	
Section	Offence	<i>Whether the police may arrest without warrant or not (see section 26)</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)</i>	<i>Area Court with least powers by which triable</i>			
322	Cheating	Shall not arrest without warrant	Warrant	Imprisonment for three years or fine or both	Magistrate of the Second Grade	Area Court, Grade II			
323	Cheating a person whose in-trest the offender was bound either by law or by legal con-tract to protect	ditto	ditto	Imprisonment for five years or fine or both		Area Court, Grade I			
324	Cheating by personation	May arrest without warrant	ditto	ditto	Magistrate of the First Grade	Area Court, Grade I			
325	Cheating and thereby dishon-estly inducing delivery of property, or the making, al-teration or destruction of a document of title	ditto	ditto	Imprisonment for seven years and fine	Magistrate of the First Grade	Ditto			

C23 - 136  (Issue 1)		CHAPTER XIX - continued <i>Mischief</i>							CAP. C23  Criminal Procedure Code Law
		1	2	3	4	5	6	7	
Section	Offence	<i>Whether the police may arrest without warrant or not (see section 26)</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)</i>	<i>Area Court with least powers by which triable</i>			
327	Mischief	Shall not arrest without warrant	Summons	Imprisonment for two years or fine or both	Magistrate of the Second Grade	Area Court, Grade II			
329	Mischief by killing, poisoning, miming or rendering useless any animal	May arrest without warrant	Ditto	Imprisonment for six month or fine or both	Magistrate of the Second Grade	Area Court, Grade I			
330	Mischief by killing, poisoning, maiming or rendering useless	May arrest without warrant	Warrant	Imprisonment for six months or fine or both	Magistrate of the First Grade	Area Court, Grade I			

		any camel, horse, etc.					
	331	Mischief in relation to water supply	ditto	Ditto	ditto	Magistrate of the First Grade	Area Court, Grade II
	332	Mischief by injury to public road, bridge, navigable river or navigable channel and rendering it impossible or less safe for travelling or conveying property	ditto	Ditto	Imprisonment for life or fine or both	High Court	
	333	Mischief by causing inundation or obstruction to public drainage, attended with damage	ditto	Ditto	Imprisonment for five years or fine or both	Magistrate of the First Grad	Area Court, Grade I

C23 - 136		CHAPTER XIX - continued							Criminal Procedure Code Law
		1	2	3	4	5	6	7	
(Issue 1)		Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	CAP. C23
	334	Mischief in relation to electricity, telegraphs and tele-phones	ditto	Ditto	ditto	Magistrate of the First Grade	Area Court, Grade I		
	335	Mischief by destroying or moving, etc., a landmark fixed by public authority	Shall not arrest without warrant	Ditto	Imprisonment for five years and with fine	Magistrate of the First Grade	Area Court, Grade I		
	336	Mischief by fire or explosive substance with intent to cause damage	May arrest without warrant	Ditto	Imprisonment for seven years and fine	Senior Magistrate			
	337	Mischief by fire or explosive substance with intent to de-story a house, etc.	ditto	Ditto	Imprisonment for life and fine	High Court	No jurisdiction		
	338	Mischief to vessel	ditto	Ditto	Imprisonment for fourteen years or fine or both	ditto	ditto		
	339	The mischief described in section 338 when committed by fire or any explosive substance	ditto	Ditto	Imprisonment for life and fine	ditto	ditto		

C23 - 136 (Issue 1)		CHAPTER XVIII - continued						
		1	2	3	4	5	6	7
		Section	Offence	Whether the police may arrest without	Whether a warrant or a summons shall	Punishment under the	Court with least powers by which triable (but	Area Court with least powers by which

			<i>warrant or not (see section 26)</i>	<i>ordinarily issue in the first instance (see section 154)</i>	<i>Penal Code</i>	<i>see Explanatory Note 2 at head of Appendix)</i>	<i>triable</i>	
	340	Ruining vessel ashore with intent to commit theft, etc.	ditto	Ditto	Imprisonment for fourteen years and fine	ditto	ditto	
	341	Mischief committed after preparation made for causing death or hurt, etc.	ditto	Ditto	Imprisonment for five years and fine		Area Court, Grade I	
<i>Criminal Trespass</i>								
	348	Criminal trespass	May arrest without warrant	Summons	Imprisonment for one year or fine of ₦ 2,000.00 or both		Magistrate of the Second Grade	
	349	House trespass	Ditto	Warrant	ditto		Magistrate of the Second Grade	
	350	House trespass with intention to commit an offence punishable with death	Ditto	ditto	Imprisonment for fourteen years and fine		High Court	No jurisdiction
	351	House trespass to commit an offence punishable with fourteen years imprisonment	Ditto	Ditto	Imprisonment for ten years and fine		ditto	Upper Area Court
	352	House trespass to commit an offence punishable with imprisonment	Ditto	Ditto	Imprisonment for seven years and fine		Senior Magistrate	ditto

		CHAPTER XVIII – continued							CAP. C23 Criminal Procedure Code Law
		1	2	3	4	5	6	7	
C23 – 136	(Issue 1)	<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not (see section 26)</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)</i>	<i>Area Court with least powers by which triable</i>	
		353	Lurking house trespass or house-breaking	ditto	ditto	Imprisonment for years and fine	Magistrate of the Second Grade	Area Court, Grade II	
		354	Lurking house trespass or house-breaking to commit an offence punishable with imprisonment	ditto	Ditto	Imprisonment for fourteen years and fine	High Court	Area Court, Grade II	
		355	Lurking house trespass or house-breaking by night	ditto	Ditto	Imprisonment for three years and fine	Magistrate of the Second Grade	Area Court, Grade II	
		356	Lurking house trespass order to commit an offence punishable with imprisonment	ditto	Ditto	Imprisonment for life and fine	High Court	Area Court, Grade II	
		357	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, etc.	ditto	Ditto	ditto	High Court	No jurisdiction	
		358	Dishonestly	ditto	Ditto	Imprisonment	Magistrate of	Area Court,	

		breaking open or unfastening any closed receptacle containing or supposed to contain property			for two years or fine or both	the Second Grade	Grade II	
CHAPTER XVIII – continued								
C23 – 136  (Issue 1)	1	2	3	4	5	6	7	
	<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not (see section 26)</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)</i>	<i>Area Court with least powers by which triable</i>	
	359	Being entrusted with any closed receptacle containing or supposed to contain any property and fraudulently opening the same	May arrest without warrant	Warrant	Imprisonment for three years or fine or both	Magistrate of the Second Grade	Area Court, Grade II	
	360	Lurking with house-breaking implements	ditto	Ditto	Imprisonment for three years and fine	Magistrate of the Second Grade	Area Court, Grade II	
	361	Fabrication of false key or instrument	ditto	Ditto	Imprisonment for five years and fine	Magistrate of the First Grade	Area Court, Grade I	
CHAPTER XX <i>Forgery</i>								
	364	Forgery	Shall not arrest without warrant	Ditto	Imprisonment for fourteen years or fine or both	Chief Magistrate	No jurisdiction	
	365	Forgery of public seals, etc.	ditto	Ditto	Imprisonment for life and fine	High Court	ditto	

CHAPTER XVIII – continued								
C23 – 136  (Issue 1)	1	2	3	4	5	6	7	CAP. C23  Criminal Procedure Code Law
	<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not (see section 26)</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)</i>	<i>Area Court with least powers by which triable</i>	
	366	Using as genuine a forged document which is known to be forged	ditto	ditto	Punishment for forgery of such document	Same court as that by which the forgery is triable	ditto	
	367	Making or counterfeiting a seal, plate, etc., with intent to commit forgery or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit	ditto	Ditto	Imprisonment for fourteen years and fine	Chief Magistrate	ditto	
	368	Having possession of a forged record	ditto	Ditto	ditto	ditto	ditto	
	369	Counterfeiting a device or mark used for authenticating documents, or	ditto	Ditto	ditto	ditto	ditto	

		possessing counterfeit marked material						
	370	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a document of title, etc.	ditto	ditto	ditto	ditto	ditto	
	371	Falsification of accounts	ditto	Ditto	Imprisonment for two years or fine or both	ditto	ditto	
	CHAPTER XX – continued							
	<i>Property and Other Marks</i>							
	1	2	3	4	5	6	7	
	<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not (see section 26)</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)</i>	<i>Area Court with least powers by which triable</i>	
	374	Using a false property mark	Shall not arrest without warrant	Warrant	Imprisonment for two years or fine or both	Magistrate of Second Grade		
	375	Counterfeiting a property mark used by another	ditto	Ditto	Imprisonment for two years or fine or both	Magistrate of Second Grade	Area Court, Grade II	
	376	Counterfeiting a property mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property	ditto	Summons	Imprisonment for three years and fine		Area Court, Grade II	
	377	Making or having possession of any die, plate or other instrument for counterfeiting any property mark and having possession of a false property mark	ditto	Ditto	Imprisonment for three years or fine or both		Area Court, Grade II	
C23 – 136  (Issue 1)	Criminal Procedure Code Law							
	CAP.							

	CHAPTER XX – continued							
	1	2	3	4	5	6	7	
	<i>Section</i>	<i>Offence</i>	<i>Whether the police may arrest without warrant or not (see section 26)</i>	<i>Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)</i>	<i>Punishment under the Penal Code</i>	<i>Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)</i>	<i>Area Court with least powers by which triable</i>	
	378	Making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, etc.	ditto	ditto	ditto	Magistrate of the Second Grade	Area Court, Grade II	
C23 – 136  (Issue 1)	Criminal Procedure Code Law							
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	379	Making use of any such false mark	ditto	Ditto	Same punishment as for offence committed against section 378	Magistrate of the Second Grade	Area Court, Grade II
	380	Removing, destroying or defacing any property mark with intent to cause injury	ditto	Ditto	Imprisonment for one year or fine or both	Magistrate of the Second Grade	Area Court, Grade II
	387	Adultery by a man	ditto	Ditto	Imprisonment for two years or fine or both	Magistrate of the Second Grade	
	388	Adultery by a woman	ditto	Ditto	ditto	Magistrate of the Second Grade	

CHAPTER XXII – continued

	1	2	3	4	5	6	7
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	
389	Enticing or taking away or detaining with a criminal intent a married woman	ditto	ditto	ditto	Magistrate of the Second Grade		
390	Incest	ditto	Ditto	Imprisonment for seven years and fine	High Court	No jurisdiction	

CHAPTER XXIII

Defamation

392	Defamation	Shall not arrest without warrant	Warrant	Imprisonment for two years or fine or both	Magistrate of the Second Grade		
393	Injudicious falsehood	ditto	Ditto	ditto	Magistrate of the Second Grade		
394	Printing or engraving, etc., matter knowing it to be de-famatory	ditto	Ditto	ditto	Magistrate of the Second Grade	Area Court, Grade II	
395	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	ditto	Ditto	ditto	Magistrate of the Second Grade	Area Court, Grade II	

CHAPTER XXIV

Criminal Intimidation, Insult and Annoyance and Drunkenness

	1	2	3	4	5	6	7
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable	

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Criminal

397 (1)	Criminal intimidation	Shall not arrest without warrant	Warrant	Imprisonment for two years or fine or both	Magistrate of the Second Grade	Area Court, Grade II
397 (2)	If threat be to cause death or grievous hurt, etc.	ditto	Ditto	Imprisonment for seven years or fine or both	Magistrate of the Second Grade	Upper Area Court
398	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes	ditto	Ditto	Imprisonment for two years in addition to the punishment under section 397	Magistrate of the Second Grade	
399	Insult intended to provoke a breach of the peace	ditto	Ditto	Imprisonment for two years or fine or both	Magistrate of the Second Grade	
400	Uttering any word or making any gesture intended to insult the modesty of a woman, etc.	ditto	Ditto	Imprisonment for two years or fine or both	Magistrate of the Second Grade	
401	(a) Drunkenness in a public place	ditto		Imprisonment for three months or fine of ₦1,000.00 or both	Magistrate of the Second Grade	

CHAPTER XXIV – continued						
1	2	3	4	5	6	7
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
(b)	If person conducts himself in a disorderly manner, etc.	ditto	Warrant	Imprisonment for six months or fine of ₦2,000.00 or both	Magistrate of the Second Grade	
402	Being drunk and disorderly in a private place	Shall not arrest without warrant	Warrant	Imprisonment for six months or fine of ₦2,000.00 or both	Magistrate of the Second Grade	
403	Drinking alcoholic drink	ditto	Ditto	Imprisonment for one month or fine of ₦1,000.00 or both	Magistrate of the Second Grade	
404	Effect of previous convictions under section 401, 402 and 403	ditto	Ditto	Twice the maximum imprisonment or maximum fine prescribed for offence of which convicted	Magistrate of the Second Grade	

CHAPTER XXIV – continued						
1	2	3	4	5	6	7
Section	Offence	Whether the police may arrest without warrant or not (see section 26)	Whether a warrant or a summons shall ordinarily issue in the first instance (see section 154)	Punishment under the Penal Code	Court with least powers by which triable (but see Explanatory Note 2 at head of Appendix)	Area Court with least powers by which triable
	If convicted of two or more such	ditto	ditto	Three times the maximum im-	Magistrate of the Second	

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		offences			prisonment or maximum fine aforesaid or both	Grade		
<i>CHAPTER XXV Vagabonds</i>								
	406	Conviction as idle person	Shall not arrest without warrant	Warrant	Imprisonment for one month of with fine or both	Magistrate of the Second Grade		
	407	Conviction as a vagabond	ditto	Ditto	Imprisonment for two years or with fine of two thousand naira or both	Magistrate of the Second Grade		
	408	Incorrigible vagabond	ditto	Ditto	Imprisonment for three years or with fine of two thousand or both	Magistrate of the Second Grade	Area Court, Grade II	

APPENDIX B

(Section 200.)  
(  
No. 4 of 2006.)

Form of Charges  
(See Chapter XIX)

A - Single Charge

- (1) (a) I ..... (name of presiding officer of court) hereby charge you  
..... (name of accused person) as follows -  
(b) That you on or about the ..... day of ..... 20 ..... At ..... being a public servant in the  
Ministry of ..... Directly accepted from A.B. for yourself (or for another person named C.D.) a  
gratification other than lawful remuneration as a motive for forbearing to do an official act and thereby committed an offence punishable under  
section 115 of the Penal Code and triable by the High Court. (Charge on section 115.)  
(c) And I hereby direct that you be tried by such court on the said charge.

.....  
Signature or seal of the presiding  
Officer of court

To be substituted for (b) -

- (2) That you on or about the ..... day of ..... 20 ..... at ..... in the course of the trial A.B.  
before ..... stated in evidence that ..... which statement you either knew or  
believed to be false or did not believe to be true and thereby committed an offence punishable under section 158 of the Penal Code and triable by  
the High Court.  
(Charge on section 158.)  
(3) That you on or about the ..... day of ..... 20 ..... at .....  
committed culpable homicide not punishable with death causing the death of A.B. and thereby committed an offence punishable under section 224  
of the Penal Code and triable by the High Court.  
(Charge on section 224.)  
(4) That you on or about the ..... day of ..... 20 ..... at ..... abetted the commission of suicide by A.B.  
while the said A.B. was in a state of intoxication and thereby committed an offence punishable under section 227 of the Penal  
Code and triable by the High Court.  
(Charge on section 227)  
(5) That you on or about the ..... day of ..... 20 ..... at ..... voluntarily caused grievous  
harm to A.B. by ..... (state details of grievous harm) and thereby committed an offence punishable under section  
247 of the Penal Code and triable by the High Court.  
(Charge on section 247).

Appendix B - continued

- (6) That you between the ..... day of ..... 20 ..... and the ..... day of ..... 20 ..... being entrusted  
with ..... did commit criminal breach of trust by dishonestly misappropriating a sum of N ..... and thereby committed an offence  
punishable under section 312 of the Penal Code and triable by the High Court.  
(Charge on section 312)  
(7) that you on or about the ..... day of ..... 20 ..... at ..... cheated A.B. by falsely pretending to be in the  
Government Service and thereby dishonestly induced him to deliver ..... (as the case may be) and hereby committed an offence punishable under  
section 324 of the penal Code and triable by the High court  
(Charge on section 324)

Note- in case tried by a magistrate substitute "the court of a Chief magistrate" or "the court of a magistrate of the ..... grade" for "the High Court".  
B - Two or More Charges

- (1) (a) I ..... (name of presiding officer of Court) hereby charge you  
..... (name of accused person) as follows-

(b) First - That you on or about the ..... day of ..... 20 ..... at ..... committed culpable homicide punishable with  
death by causing the death of A.B. and thereby committed an offence punishable under section 221 of the Penal Code and triable by the High Court.  
Secondly - That you on or about the ..... day of ..... 20 ..... at ..... committed culpable homicide not punishable  
with death by causing the death of A.B. and thereby committed an offence punishable under section 224 of the Penal Code and triable by the High  
Court.

(Charge on section 221 and 224)

- (c) And I hereby direct that you be tried by such court on the said charges

.....  
Signature or seal of the presiding  
officer of court

to be substituted for (b) –

(2) That you or about the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ at \_\_\_\_\_ in the course of the injury into \_\_\_\_\_ before \_\_\_\_\_ stated in evidence that \_\_\_\_\_ and that you on or about the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ at \_\_\_\_\_ in the course of the trial of \_\_\_\_\_ before \_\_\_\_\_ stated in evidence that \_\_\_\_\_, one of which statements you either knew or believed to be false or did not believe to be true, and thereby committed an offence punishable under section of the Penal Code and triable by the High Court.

Alternative charges on section 158

APPENDIX B..... continued

(3) That you or on about the ----- day of -----20----- at-----committed theft by stealing a horse the property of A.B and thereby committed an offence punishable under section 287 of the Penal Code and triable by b the High Court. (or)

That you on or about the ----- day of ----- 20----- at----- being entrusted with the said horse committed criminal breach of trust by dishonestly misappropriating it and thereby committed an offence punishable under Section 312 of the Penal Code and triable by the High Court.

(or)

That you on or about the -----day of -----20----- at----- dishonestly received the said horse knowing or having reason to believe that it was stolen property and thereby committed an offence punishable under section 317 of the Penal Code and triable by the High Court.

{Alternative chares on section 287,312 Or 317}

Note----In cases tried by a magistrate substitute” the court of a chief magistrate” or”the court of a magistrate of the ----- grade” for” teig Court.

APPENDIX C

{Section 339.}

{No 4 of 2006}

Offences which may be Compound

Offence	Section of Penal Code Applicable	Person by whom the offence May be compounded
Causing hurt	PART I 244,246	The person to whom the hurt is caused.
Assault or use of criminal force.	265,266	The person assaulted or to whom criminal force is used. The person to whom the loss or damage is caused.
Mischief, when the only loss or damage caused is loss or damage to a private person	327,328	
Criminal trespass	348	The person in possession of te property trespassed upon.
House trespass.	349	The husband of a married woman or te parent or guardian of an unmarried woman.
Adultery	387,388	The husband of the woman.
Enticing taking away or detaining with a criminal intent a	389	

married woman.

APPENDIX C -continued

Offence	Section of Penal Code Applicable	Person by whom the offence May be compounded
Defamation	392	
Print in or engraving etc, matter Knowing it to be defamatory.	394	The person defamed.
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	395	
Criminal intimidation except when the offence is punishable with imprisonment for seven year	397	The person intimidated
Insult intended o provoke a breach of the peace.	399	The person insulted.
Grievous hurt on provocation		
Grievous hurt without provocation	PART II	
Hurt, not grievous, by dangerous weapon.		
Hurt, or grievous hurt, by act endangering life or safety.	245	The person to whom hurt is caused
Wrongfully restraining or confining any person.	247	The person to whom hurt is caused
Unlawful compulsory labour	248	The person to whom hurt is caused
Mischief in relation to water supply, when the only loss or damage caused is loss or damage to a private person.	253	The person to whom hurt is caused
House trespass to commit an offence (other than theft) punishable with imprisonment.	256.257	The person restrained or confined
Uttering words or making gestures intending to insult the modesty of a woman.	280	The person compelled to labour
	331	The person to whom loss or damage is caused
	352	The person in possession of the house trespassed upon.
		The woman whom it is intended to insult.
	400	