

Law of Homicide in Nigeria.

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Abstract:

The thesis analyses the ramifications of the laws relating to homicide under the Criminal and Penal Codes, and other relevant enactments in Nigeria. Owing to the origin of those Codes, particularly in their relationship with the English Common Law, comparative approach has been adopted in the study.

Traditionally, the principles of criminal liability have, the main, evolved through cases of homicide. Inescapably, therefore, the thesis reflects on those germane principles, ably actus reus and mens rea which constitute the foundation criminal law, as they relate to the law of homicide. In addition, thesis demonstrates the scope of the basic general defences the particular reference and application to decisions arising from offences of homicide.

An interesting aspect of the developments in the law of homicide is the recognition of the various categories of mens rea the determination of the degree of culpability in cases of homicide. This was so under the older systems of law and the position, is not radically different where objective views of heinousness or award of punishment are concerned. The culmination of the foregoing, in present times, is to be able to distinguish the accompanying states of mind for the various types of offences of homicide or to see what excuses can exculpate or reduce culpability for a charge of unlawful homicide. The trend that runs throughout the discussion is the attempt to balance the interest of the society in protecting itself from dangerous acts, especially the sanctity of human life on the one hand, with the need to reasonably protect the accused by fair and humane rules of criminal trials and liability, on the other hand

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