

## Chapter 4 Part IV

### The Niger State Penal Code (Amendment) Law 2000<sup>1</sup>

A LAW TO MAKE PROVISIONS FOR THE AMENDMENT OF THE PENAL CODE LAW CAP. 94 LAWS OF NIGER STATE IN ORDER TO REVIEW THE PUNISHMENT THEREIN AND FOR CONNECTED PURPOSES

BE IT ENACTED by the House of Assembly of Niger State of Nigeria and by the authority of the same in this present State Assembly as follows:

1. This Law may be cited as the Penal Code (Amendment) Law 2000 and shall come into force on 4<sup>th</sup> day of May 2000.
2. In this law unless the context otherwise requires:
  - “adultery” includes sodomy;
  - “Penal Code Law Cap 94” means the Penal Code Law Cap 94 Laws of Niger State of Nigeria;
  - “Principal Law” means the Penal Code Law Cap. 94.
3. Subsection (2) of section 3 of the Penal Code Law is repealed.
4. Section 68(1) of the Penal Code is amended by deleting “.” After “caning” in paragraph (f) and substituting “,” and thereafter by adding “(g) amputation”.
5. The Penal Code is amended by adding immediately after section 68 the following section:
  - 68A (1) If a person of the Muslim faith is convicted of an offence in the first column of subsection (2) of this section and the case against him was proved in accordance with subsection (3), of this section his punishment shall be as specified in the second column of section (2), but if:
    - (i) the offence for which a Muslim was convicted is not in the first column;
    - (ii) the punishment is not in the second column; and
    - (iii) the offence was not proved in accordance with subsection (3),the convict’s punishment shall be as specified in the section under which he was convicted or as specified elsewhere in the Penal Code.

(2)	<i>First Column</i>	<i>Second Column</i>
(a)	Theft contrary to sections 287, 288, 289, or 290 of the Penal Code:	If the value of the property stolen is not less than ₦20,000.00 and the property was stolen from proper custody, the punishment is amputation of the right hand.
(b)	Robbery contrary to sections 298, 299, 300, 301, 302, 303 or 304 of the	The punishment irrespective of the value of the property involved is death if death was

<sup>1</sup> Niger State of Nigeria Gazette No. 8, Vol. 25 9<sup>th</sup> March 2000, pp. B29-B36.

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- Penal Code: caused, if death was not caused but property was stolen or previous hurt caused in the course of the robbery whether hurt was caused or not, the punishment is amputation of hand and foot on the alternate side (i.e. the right hand and left foot or vice versa).
- (c) Adultery contrary to sections 387 or 388 of the Penal Code: The punishment in the case of married convict is stoning to death and in the case of unmarried convict is 100 lashes in public.
- (d) Defamation contrary to section 392 of the Penal Code: If the word uttered falsely accuses a person of adultery, the punishment is 80 lashes in public.
- (e) Drinking or Drunkenness in public or private place contrary to sections 401, 402 or 403 of the Penal Code: The punishment is 40 or 80 lashes in public.
- (f) Culpable Homicide contrary to sections 221 or 223 of the Penal Code: If the nearest relative of the deceased victim waives punishment of death, the sum of not less than ₦4 million shall be paid as compensation to the relatives in substitution of sentence of death on the accused.
- (g) Culpable Homicide in any other case other than sections 221 or 223 of the Penal Code: The punishment shall be the payment of ₦4 million as compensation to the nearest relatives of the deceased victim.
- (h) Rape contrary to section 283 of the Penal Code: In addition to the punishment specified in the section under which the accused was convicted, the punishment is 100 lashes for an unmarried convict and 100 lashes for a married convict either of which shall be inflicted in public.
- (i) Causing hurt or grievous hurt contrary to sections 245, 247, 248, 250(2), 251(2), 252 or 253(2) of the Penal Code: In addition to the punishment specified in the sections under which the accused was convicted the convict shall pay a sum of not

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Penal Code: less than ₦10,000.00 as compensation to the victim.

- (3) A convict shall not be punished under subsection (2) unless the case against him was proved
    - (a) in the case of offences contrary to sections 221, 223, 245, 247, 248, 250 (2), 252, 253 (2), 287, 288, 289, 290, 298, 299, 300, 301, 302, 303, 304, 392, 401 or 402 of the Penal Code, by the confession of the convict or by the evidence of 2 male witnesses of truth or 4 female witnesses of truth;
    - (b) in the case of offences contrary to sections 283, 387 or 388 of the Penal Code, by the confession of the convict or by the evidence of 4 male witnesses of truth or 8 female witnesses of truth, who at the same time saw the convict commit adultery;
    - (c) in the case of offence contrary to section 392 of the Penal Code, the convict:
      - (i) must be a chaste person; and
      - (ii) must in proving the truth of his statement, fail to obtain the evidence of 4 male witnesses of truth or 8 female witnesses of truth whom at the same time saw the person defamed commit adultery.
  - (4) When a convict indicates his intention to appeal against his conviction or sentence, execution of the sentence shall be stayed and the convict remanded in prison custody pending the determination of his appeal.
6. Section 201 of the Penal Code is amended by deleting the phrase “which may extend to one year or with fine or with both” and substituting it with “for a term of not less than seven years or with fine of not less than one million naira and revocation of the Right or/Certificate of Occupancy in respect of the brothel.”
  7. Section 283 of the Penal Code is amended by deleting “for any less term and shall also be liable to fine” and substituting “any term not less than twenty-four years.”
  8. Section 287 of the Penal Code is amended by deleting the phrase “which may extend to five years or with fine” and substituting “of not less than five years or with fine of not less than fifty thousand naira or both”.
  9. Section 288 of the Penal Code is amended by deleting the phrase “which may extend to ten years” and substituting “of not less than three years.”
  10. Section 289 of the Penal Code is amended by deleting the phrase “ which may extend to seven years or with fine” and substituting “of not less than three years or with fine of not less than fifty thousand naira.”
  11. Section 290 of the Penal Code is amended by deleting the phrase “which may extend to fourteen years and shall also be liable to a fine” and substituting “of not less than seven years and shall also be liable to fine of not less than fifty thousand naira.”
  12. Section 298 of the Penal Code is amended:
    - (a) in paragraph (a) by deleting the phrase “which may extend to ten years and

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- shall also be liable to fine;” and substituting “of not less than five years and shall also be liable to fine of not less than twenty thousand naira.”
- (b) In paragraph (b) by deleting the phrase, “which may extend to fourteen years and shall also be liable to fine” and substituting “of not less than seven years and shall also be liable to fine of not less than fifty thousand naira.”
- (c) In paragraph (c) by deleting the paragraph.
13. Section 299 of the Penal Code is amended by deleting the phrase “which may extend to seven years and shall also be liable to fine” and substituting “ of not less than three years and shall also be liable to fine of not less than fifty thousand naira.”
14. Section 300 of the Penal Code is amended by deleting the phrase “which may extend to fourteen years and shall also be liable to fine” and substituting “of not less than seven years and shall also be liable to fine of not less than fifty thousand naira.”
15. Section 301 of the Penal Code is amended by deleting the phrase “which may extend to fourteen years and shall also be liable to fine” and substituting “of not less than seven years and shall also be liable to fine of not less than fifty thousand naira.”
16. Section 304 of the Penal Code is amended by deleting the phrase “which may extend to ten years and shall also be liable to fine” and substituting “of not less than seven years and shall also be liable to fine of not less than fifty thousand naira.”
17. Section 305 of the Penal Code is amended by deleting the phrase “which may extend to fourteen years and shall also be liable to fine” and substituting “of not less than seven years and shall also be liable to fine of not less than fifty thousand naira.”
18. Section 306 of the Penal Code is amended by deleting the phrase “which may extend to seven years and shall also be liable to fine” and substituting “of not less than three years but not more than and shall also be liable to fine of not less than thirty thousand naira.”

FIRST SCHEDULE

I assented this 22<sup>nd</sup> day of February 2000 Time 11.05 hours.

(sgd)

Engr. Abdulkadir A. Kure, Governor of Niger State

SECOND SCHEDULE

I withhold assent this ... .. day of ... .. 2000 Time ... .. hours.