

REPUBLIC OF MALI
One People- One Goal-One Faith

SUPREME COURT OF MALI
JUDICIAL DIVISION

Criminal Bench

APPEAL No 04 OF 11th JUNE 2002

JUDGMENT No. 06 OF 9th MARCH 2004

NATURE: Family abandonment

THE SUPREME COURT

In its ordinary public session on Monday, the ninth of March of the year two thousand and four,
before:

Mrs BOUNDY Henriette DIABATE, President of the Criminal Bench
President

Mr Sidy SINENTA, Advisor at the Court,

Member

Mr Diadié Issa MAIGA, Advisor at the Court,

Member

In the presence of Advocate General **Moussa Balla KEITA**;

With the assistance of Maître **SAMAKE Fatoumata Zahara KEITA**,

Registrar;

Delivered the judgment which reads as follows:

ON THE APPEAL: by Maitre Hamadoun DICKO, Attorney at the Court, acting for and on behalf of Mrs Aminata SALOUM, on the one hand,

AGAINST: Judgment No. 06 of 10th June 2002 of the Court of Appeal of Mopti and Kalil Bara, having as counsel Maitre Malick MAIGA, Advocate at the Court, respondent, on the other hand.

On the report by Advisor Sidi SINENTA, and the written and oral submissions of Advocate General Moussa Balla KEITA

Having deliberated in accordance with the law;

By act No.4 done at the Registry on 11th June 2002, Mr. Hamadoun DICKO, Attorney acting for and on behalf of Mrs Aminata Saloum, lodged an appeal against Judgment No.06 delivered on 10th June 2002 by the Correctional Chamber of the Court of Appeal of Mopti, the operative part of which reads as follows:

ON THE FORM

Receives the appeal

ON THE SUBSTANCE

Annuls the judgment passed in all its provisions, ruling anew;
Declares Kalil Baba not guilty of the charges against him;
Declares him acquitted on all counts,
Dismisses the claim for damages formulated by Aminata SALOUM;
Leaves costs at the charge of the State;

As per Certificate of Deposit No. 214/2002 of 23rd September 2002, the appellant has paid the statutory deposit into court.

Whereas Article 513 of the Criminal Procedure Code states that an appellant shall, on pain of forfeiture, deposit the amount of 10,000 Francs upon filing a statement of appeal;

Whereas in the present case, it is sufficiently clear from the case file that the appeal was filed on 11th June 2002 and the deposit paid on 13th September 2002;

Whereas it follows that, pursuant to Article 513 mentioned above, the appellant should be declared to have forfeited her right of appeal.

FOR THESE REASONS:

The Court declares Mrs Aminata SALOUM to have forfeited her right of appeal;

Orders her to pay the costs under this ruling. ;
Confiscates the initial statutory deposit already paid into Court.

Thus done, adjudged and publicly pronounced on the day, month and year above-stated.

AND SIGNED BY THE PRESIDENT AND THE REGISTRAR