

REPUBLIC OF MALI  
In the Name of the People of Mali

SUPREME COURT OF MALI  
JUDICIAL DIVISION

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Criminal Bench

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**APPEAL No.31 of 6th NOVEMBER 2006**

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**JUDGMENT No.50 of 27th MAY 2009**  
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NATURE: Rape and theft

THE SUPREME COURT OF MALI

In its ordinary public session of Wednesday, the twenty-seventh of May of the year two thousand and nine, before:

**Mr Mamadou Baba TRAORE**, Advisor at the Court, Member,

**PRESIDENT**

**Mr Sambala TRAORE**, Advisor at the Court.

Rapporteur

**Mr Sanzana COULIBALY**, Advisor at the Court,

Member,

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

as State Prosecutor;

With the assistance of Maitre **TOURE Amadou Mohamed,**

Registrar;

Delivered the judgment which reads as follows:

**ON THE APPEAL:**

by Maitre Simon LOUGUE, Attorney at the Bar of Mali, acting in the name and on behalf of Mahamadou Methé aka Commandant, appellant, on the one hand;

**AGAINST:**

The State Prosecution and Judgment No. 174 of 6th November 2006 of the Trial Chamber of the Assizes Court of Mopti and Fatoumata ZERBO, respondent, on the other hand;

On the report by Mr Sambala TRAORE, Advisor;

And the written and oral submissions of Advocates General Fatimata NIENTAO and Moussa Balla KEITA

Having deliberated in accordance with the law;

**THE COURT**

**ON THE FORM**

Having regard to the appeal filed with the Registry of the Court of Appeal of Mopti on the 6th of November 2006 by Maitre Simon LOUGUE, Attorney at the Bar of Mali, acting in the name and on behalf of Mahamadou Methé aka Commandant, against Judgment No.174 of 6th November 2006 of the Trial Chamber of the Assizes Court of Mopti, in a case on rape and theft.

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

That an appellant who does not submit written statements shall be deprived of his right of appeal in conformity with Article 518 of the same Code;

Whereas in this case, the Certificate issued by the Chief Registrar of the Supreme Court on 9th February 2009 shows that the appellant did not pay the statutory deposit into Court, nor did he submit any additional written statements as required by Articles 513 and 518 of the Criminal Procedure Code;

That for this reason, he should be declared to have forfeited his right of appeal;

Having regard to the said articles;

Having regard to the indictment of 9th February 2009 by the Attorney General at the Supreme Court of Mali;

**FOR THESE REASONS**

**ON THE FORM**

Declares the appellant to have forfeited his right of appeal

Leaves costs at the charge of the State;

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

**AND SIGNED BY THE PRESIDENT AND THE REGISTRAR**