

“REPUBLIC OF CAMEROON” “IN THE NAME OF THE PEOPLE OF CAMEROON”
“JUDGMENT”

IN THE HIGH COURT OF FAKO DIVISION
HOLDEN AT BUEA
BEFORE HIS LORDSHIP JUSTICE CHARLES NAMME MENYOLI
WITH MR. SULEMAN FONYUY AS REGISTRAR-IN-ATTENDANCE
THIS THURSDAY THE 10TH DAY OF SEPTEMBER 2013

BETWEEN SUIT NO HCF/019C/2013
THE PEOPLE OF CAMEROON... ..COMPLAINANT

VS
ABBE DANIEL ABOUYOU... ..DEFENDANT

Parties: Accused present

Prosecution witness absent.

Appearances : Njonjo John Njie for the people.

Barrister Shribe Wilfred for the defence.

Whereas the Accused aged 45 was committed to trial under sections 346(3) of the Penal Code as read with section 298(1) of the same, charged with having on the 20th day of November 2012 at Tole, in the Fako Judicial Division, had sexual intercourse with one Acha Nora Ambe, a child aged 3 years 4 months and over whom he had custody by custom;

Whereas the Accused, after being duly identified was arraigned on the 10/9/2013 and he readily pleaded Guilty to the lone count of the Charge;

Whereas the Court upon receiving the facts of the matter from the Learned prosecuting Counsel, as well as the statement of the Accused did accept his plea and convict him accordingly.

I cannot but find as a fact especially after considering the Confessional Statement of the Convict as well as the Medico – Legal Certificate of the victim, that the Convict did have sexual intercourse with the said Acha Nora Ambe, who, as per her Birth Certificate

contained in exhibit “A”, the Casefile, was less than 4 years old at the time of the commission of the offence.

As pointed out by the Learned defence Counsel, the Convict is a first offender who, by dint of the fact that he readily pleaded Guilty to the charge, saved this Court precious Judicial time and in so doing, earned for himself the benefit accorded by section 359(2) of the Criminal Procedure Code.

But as rightly pointed out by the Learned Prosecuting Counsel, the Convict deserves nothing but a deterrent sentence. It is wicked, heartless and terribly predatory for a 45 years old married man to force his way and have carnal knowledge of a child of less than 4 years old, who, I am positive, did not even know what was happening to her.

I cringe to imagine the pain inflicted on a child so young by a lecherous adult, and I am at a loss to understand what kind of gratification an adult could possibly derive from an act like that.

The Convict is a sadist and a predator. His incarceration will be necessary if other young females are to be spared and protected. His conduct is as revolting as it is inexplicable. Considering that the Convict readily pleaded guilty to the charge, he is sentenced to an imprisonment term of 10 years.

ORDERS

1) In keeping with the provisions of section 53(1) of the Penal Code the total period spent by the Convict in custody awaiting trial shall be deducted from the above Sentence. That is, a –period of 10 months shall be so deducted.

2) The Convict shall bear the costs of the proceedings as taxed and set out hereunder:-

- Cost of Registration of this judgment20.000 FCFA
- Cost of fiscal stamps 15.000FCFA.
- Cost of P.I.....100.000FCFA.
- Cost of summonses..... 15.000 FCFA
- Cost of execution of the judgment 10.000 FCFA

TOTAL TAXABLE COST

160.000FCFA.

3) In the event of the failure by the Convict to pay the above costs, he shall serve an additional imprisonment term of 9 months, pursuant to section 564(1)(e) of the Criminal Procedure Code

4) An imprisonment Warrant shall issue against the Convict.

Court Notes: S.399 of the Criminal Procedure Code is complied with. Parties are warned of the statutory period to file an Appeal.

REGISTRAR-IN-CHIEF

PRESIDENT