

THE TRIBUNAL,

Considering the documents of the RP 82/2019 procedure;
Hearing the public prosecutor in his submissions;
And after having deliberated in accordance with the law;

Considering that by summons to the initiative of the public prosecutor dated January 29, 2019, DIAVO Defimé, 23 years old, was brought before the criminal court of this seat charged of having, in Ehuasso sub-prefecture of Zaranou, in the judicial district of Abengourou, during the month of June 2018, in any case since time such as the facts are not covered by the statute of limitations, willfully beaten and injured N'GAZA Ablan Chantal; the battery and assaults resulted for the victim in a total incapacity for personal work for more than ten days (15 days);

Facts provided for and punished by articles 345-3 ° and 348 of the penal code;

Considering that on July 31, 2018, Madam the Public Prosecutor at the Abengourou Court of First Instance seized the Ebilassokro post brigade with a be-forwarded following the letter of complaint from Mrs N'GAZA Ablan Chantal against the named DIAVO Defimé for acts of assault and battery on her person;

Considering that in support of her complaint, Mrs N'GAZA Ablan Chantal explained that following remarks by her sister Marie that their aunt named Moniba did not like, an altercation followed by a fight had occurred between them; That, wanting to intervene to put an end to it, she was molested by the respondent, which caused her injuries leading to a total incapacity for work of fifteen (15) days;

That she wanted to clarify that she had received the sum of two hundred and fifty thousand (250,000) francs for her care; Given that intervening as a witness, NIAMIAN Kablan, a notable of the village of Ehuasso, declared that during the settlement of the dispute by the chiefdom, DIAVO Defimé had admitted having struck the complainant, reason for which he had been sentenced to a customary fine of two hundred and fifty thousand (250,000) francs;

While challenged on the facts of assault and battery, DIAVO Defimé contested them by alleging that Dame N'GAZA Ablan Chantal had stumbled while trying to interpose between her younger sister and her mother who were fighting; He added that he did not know the reasons why she blamed him for such acts;

Considering that at the bar of the Tribunal, DIAVO Defimé did not appear to answer for the charge of assault and battery against him;

Given that the Public Prosecutor's Office requested that this court declare the accused DIAVO Defeated guilty of the acts of assault and battery charged to his respective charge and, in repression, sentence him to six (06) months of imprisonment and a hundred thousand (100,000) francs fine;

Therefore

In the form

Given that the accused did not appear; it is appropriate to rule by default;

On merits

Considering that the defendant DIAVO Defimé does not recognize the facts of voluntary assault and battery charged to him; But considering that these denials cannot prosper;

Indeed, Mr. NIAMIAN Kablan, a notable of the village of Ehuasso, declared that the defendant admitted the facts before the customary authorities of the said village;

Moreover, the consequences of the battery were recorded in the medical certificate issued by Doctor TRAORE Alassane, Chief Physician of the Ebilassokro health center and prescribing total incapacity for work for 15 days;

That therefore, it should be said that the facts of assault and battery alleged against the accused are proven so that he should be found guilty and the criminal law applied to him;

On costs

Considering that the defendant succumbs; That he should be ordered to pay the costs;

FOR THESE REASONS

Ruling publicly, by default, in correctional matters and at first instance;

- Declares the defendant DIAVO Defimé guilty of the acts of assault and battery charged to him;
- Grant him the benefit of extenuating circumstances;
- In repression, sentences him to three (03) months of imprisonment and a fine of 50,000 francs;
- Orders him to pay the costs.