

THE TRIBUNAL,

Having regard to the documents of the procedure RP 299/2019;

Hearing the requests of the Public Prosecutor's Office;

And after having deliberated in accordance with the law;

Given that following a summons issued by the public prosecutor on April 30, 2019, AMANI Kouassi Bernard, 33 years old and KOUADIO Kouamé Marc nicknamed Gabon, 28 years old, were brought before this criminal court sitting today charged with having in Assakro, in the judicial district of Abengourou, on February 21, 2019, in any case since time such as the facts are not covered by the statute of limitations, willfully beaten or injured Mss MIA Affoua Nadège; the assault entailed for the victim a total incapacity for personal work for more than ten (10) days;

Facts provided for and punished by articles 345-3 ° and 4 and 348 of the penal code;

Considering that it emerges from the file of the procedure that on March 6, 2019, the Public Prosecutor at the Court of First Instance of Abengourou instructed the post brigade of Aniassué to investigate the complaint of Miss MIA Affoua Nadège for acts of assault and battery against the named AMANI Kouassi Bernard and KOUADIO Kouamé Marc nicknamed Gabon;

Considering that in execution of this measure, the judicial police officers heard the complainant who explained that, coming to the rescue of her younger sister who was molested by the two (02) accused, she was attacked by them- this; She added that during this attack, KOUADIO Kouamé Marc nicknamed Gabon had hit her with a head, removing two (02) incisors from her; She ended by saying that she also had a swollen right eye;

Considering that arrested on the facts of deliberate assault and battery against her, KOUADIO Kouamé Marc nicknamed Gabon denied them by exposing that he had only intervened to put an end to the fight between the complainant and AMANI Kouassi Bernard and that he had not taken part in the brawl;

Considering in turn, that AMANI Kouassi Bernard stated that he had been beaten by Miss MIA Affoua Nadège and her partner after they had insulted him; That he wanted to clarify

that as a result of this assault, his body was covered with wounds; That he said he did not go to a health center because he failed to take his identity documents with him;

Considering that the named AMANI Kouassi Bernard and KOUADIO Kouamé Marc nicknamed Gabon did not appear at the bar of the Tribunal to answer for the prevention specified above;

Considering that Miss MIA Affoua Nadège declared that she was a civil party and requested the conviction of the defendants AMANI Kouassi Bernard and KOUADIO Kouamé Marc nicknamed Gabon to pay her the sum of two hundred and forty thousand (240,000) francs as damages;

Considering that the public prosecutor requested that this court declares the defendants AMANI Kouassi Bernard and KOUADIO Kouamé Marc nicknamed Gabon guilty of the acts of assault and battery put at their charge and, in repression, they each be sentenced to three (03) months of imprisonment and a fine of hundred thousand (100,000) francs;

Therefore

In the form

On the public action

Considering that the defendants AMANI Kouassi Bernard and KOUADIO Kouamé Marc nicknamed Gabon did not appear; That it befits to rule by default with regard to them;

On civic action

Considering that the action of Ms. MIA Affoua Nadège was introduced in the form and time prescribed by law; it befits to declare it admissible;

Merits

On public action

On the criminal liability of AMANI Kouassi Bernard

Considering that the defendant AMANI Kouassi Bernard disputes the acts of assault and battery with which he is accused;

But since his denials must be considered as invalid;

That in fact, it is constant as arising from the medical certificate issued by Doctor ETCHIEN N'djètché Jean that Ms. MIA Affoua Nadège has head injuries;

That, moreover, it is also common ground that there was a fight between the accused and the complainant; fight during which AMANI Kouassi Bernard struck Ms. MIA Affoua Nadège; Given that, moreover, the defendant, who claims to have been the victim of aggression by the complainant and her companion, resulting in injuries to all parts of her body, did not deign to go to a health center because he was not carrying identity documents;

Considering that, however, this argument is fallacious in the sense that consultations in a hospital center are in no way dependent on the possession of any document;

That in truth, AMANI Kouassi Bernard beat Ms. MIA Affoua Nadège;

That therefore, the acts of assault and battery are characterized against the aforementioned defendant so that it befits to find him guilty and to apply the criminal law to him;

On the criminal responsibility of KOUADIO Kouamé Marc nicknamed Gabon

Considering that the defendant KOUADIO Kouamé Marc nicknamed Gabon disputes the facts of intentional assault and battery he is accused of;

Considering that his denials are fallacious; Indeed, of the two (02) defendants, he was specifically named as the perpetrator of the battery on the head which tore off two incisors from the victim witness;

It follows that the facts against him are proven so that he should be found guilty and the criminal law applied;

On civic action

Whereas Ms. MIA Affoua Nadège declares that she is a civil party and seeks the conviction of the defendants AMANI Kouassi Bernard and KOUADIO Kouamé Marc nicknamed Gabon to pay her the sum of two hundred and forty thousand (240,000) francs as damages;

Whereas the defendants were found guilty of the acts of deliberate assault and battery against them;

That furthermore, their actions caused the victim witness a certain prejudice which should be repaired;

That it is appropriate therefore to grant the request of Ms. MIA Affoua Nadège and to condemn the defendants AMANI Kouassi Bernard and KOUADIO Kouamé Marc nicknamed Gabon to pay her the sum of two hundred and forty thousand (240,000) francs as compensation;

On costs

Considering that the defendants succumb;

That the costs should be charged to them;

FOR THESE REASONS

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

- Declares the defendants AMANI Kouassi Bernard and KOUADIO Kouamé Marc nicknamed Gabon guilty of the acts of assault and battery charged to them;
- In repression, sentences them each to six (06) months of imprisonment and jointly to a fine of one hundred thousand (100,000) francs;
- Receives and declares well founded the action of civil party of Ms. MIA Affoua Nadège;
- Orders the defendants to pay her the sum of two hundred and forty thousand (240,000) CFA francs as damages;
- Warns them that they have a period of three (03) months from the day the sentence becomes final to pay the fine;
- Orders them to pay the costs.