

REPUBLIC OF SENEGAL

FRANGRANTE DELICTO

One People-One Goal-One Faith

ORDINARY PUBLIC HEARING

DAKAR COURT OF APPEAL

14 April 2015

REGIONAL COURT OF

In the ordinary public hearing of the *Dakar Regional Court*

DAKAR

on 14 April 20215, sitting in police criminal cases,
the bench consisting of: Lady xxx, chairing judge

Judgment N° xxx Police cases

assisted by Mr. xxx and Lady xxx, members

Prosecution N° xxx

In the presence of xxx deputy public prosecutor and with the assistance of attorney xxx,
Registrar

The following judgment was rendered:

OFFICE OF THE PUBLIC

PARTIES

PROSECUTOR

PUBLIC PROSECUTOR, applicant, following the interrogation report

And

of flagrante delicto of 03 April 2015;

1°) xxx

AND

2°) xxx

1) xxx born on 10/07/1987 in Dakar of xxx and xxx, married and father
of one child, taxi driver, domiciled in Guediawaye;

VERSUS

(civil parties)

1.xxxx

2) xxx born on 16/11/1965 in Keur Massar, son of xxx and xxx, married,
and father of 3 children, driver, resident of Keur Massar.

2.xxx

3. xxx

on one hand

4. xxx

VERSUS

1. XXX born on 12/02/1984 in Dakar, of xxx and xxx, radio host, domiciled at Nord Foire, villa xxx, in his
father's home, bachelor and father of 2 children, claiming to have never been convicted
nor listed as military;

2. xxx born on 12/9/1990, xxx, jobless, domiciled in HLM Grand Médine, in his mother's home, claiming to
have never been convicted nor listed as military;

3. xxx born on 03/11/1991 in Thiès xxx, student at ISM, domicile at Ouest Yoff in Apacsy in his father's
home, claiming to have never been convicted nor listed as military;

4. xxx born on 13/08/1990 in Dakar xxx, Master student at IAM domiciled in Nord Foire, villa xxx in his
father's home, bachelor, claiming to have never been convicted nor listed as military;

Accused of collection of personal data, assault and battery.

In detention in pursuance to a detention warrant: 03 April 2015

On the other

Questioned by the President at the hearing on 04/18/2021 in accordance with article 384 of the criminal procedure code,
the defendants declared that they wanted to be tried immediately and the case was successively postponed until the
hearing on 10 / 04/2015 to be tried and then deliberated at the hearing of 04/10/2015 and the judgment was rendered
that same day;

At the appeal of the case, the prosecutor explained that he sued the aforementioned defendants before the court at the hearing today to defend themselves on the above mentioned offences;

And the defendants were questioned;

The registrar took note of the statements and responses of the defendants;

The public prosecutor summed up the case and requested a prison sentence of six (06) month against each;

The defendants and their counsels presented their defense;

Then the Tribunal, after having deliberated in accordance with the law, ruled in these terms:

THE TRIBUNAL

Considering the file exhibits;

Considering the interrogation of the defendants;

Considering the submissions of the Public prosecutor;

After deliberation in accordance with the law;

On the publication action

Considering that according to the report of interrogation on the flagrant delicto the Public Prosecutor sued the following persons xxx before the Correctional Court accusing them of having, in Dakar, during the year 2015, in any case before time limitation of public action: collected personal data by using fraudulent means; to have, in the same circumstances of time and place, assaulted and inflicted lenient violence to xxx and xxx;

Facts provided for and punished by Article (s): 431-22 of the Penal Code and 11, para 3 of Code of Administrative Offences;

Whereas the defendants were questioned and admitted the facts;

Whereas the Public Prosecutor has summed up the case and requested a six (06) month prison sentence against the prisoners;

Whereas it emerges from the file and the hearing debates that the accusations against the defendants are constant,

That it befits to declare them guilty, to sentence them each to a prison term of six (06) month and a fine of 500 000 CFA and order them to pays legal costs;

On civil action:

Whereas xxx and xxx regularly filed civil party action, claiming respectively the sums of 6,000,000 CFA francs and 10,000,000 CFA francs of damages;

Whereas the actions of civil parties were made before the requests of the Ministry Prosecution, that it befits to declare them admissible;

Whereas the sums requested appear exorbitant and that the court has objective means of quantification, that it befits to condemn the defendants to jointly pay them each the sum one million (1,000,000) CFA francs as damages for all causes of prejudice combined; to order the provisional execution, and to fix the prison term for non-payment to the maximum;

FOR THESE REASONS

DETAILS OF COSTS Ruling publicly, after trial, in correctional matters and at first instance:

Filing: 10 000 F	- Declares xxx and xxx guilty of the offences they are accused of;
Tax: 600 frs X 4	- Sentences them to a suspended prison term of one (01) month and a fine of 500 000 FCFA;
Extraction: 600F X4	- Declares admissible the civil actions of xxx and xxx

TOTAL: 12 300 F

- Sentences the defendants to pay them 1000 000 FCFA for all prejudices;
- Orders provisional execution;
- Sentences the defendants to the costs;
- Fix the maximum prison term for failure to pay;

Thus done, judged and pronounced on the aforementioned day, month and year.

And signed the **PRESIDENT** and the **REGISTRAR**

