

SUSPECT CAUGHT RED-HANDED

Dakar Court of Appeal

High Court of Pikine-Guediawaye

No of the judgment:
No of the public
prosecution:

29.11.19

Public Prosecutor

And

PC

CR

Versus

.....

Counsel

Detention warrant dated
18.10.19

Type of the offence

Attempt of rape of 13 years
old minor, pedophilia and
abduction of minor

Public hearing in correctional matters of 29. 11. 2019

At the ordinary public hearing of the High Court of Pikine-Guediawaye of November 29, 2019 held in correctional matters by Mr..., President, Mr... and Madam ..., sitting judges and members, in the presence of Madam. ..., Deputy Public Prosecutor and Maître..., Registrar, was rendered the judgment with following content:

Between:

The **Public Prosecutor**, plaintiff, based on the interrogation statement of a suspect caught red-handed dated 18.10.2019;

And

.... who did not appear at the public hearing and the claimant for civil damages on behalf of the child;

ON THE ONE HAND

Versus

.... born on 27 March 2000 at Malika of... and of... domiciled at Route de Boune;

Suspect of attempt of rape, abduction and pedophilia;
Detained on detention warrant of 21.11.2019 and assisted by Me Mbaye..., counsel;

ON THE OTHER HAND

Summoned at the hearing of 29 November 2019 in accordance with article 384 of the Code of Criminal Procedure, the suspect stated that he wanted to be tried immediately and the case was argued;

The President read out the written submissions of the prosecutor filed in Court and interrogated the suspect;
The public Prosecutor, after his submissions, made an application for 2 years of imprisonment of the suspect;
The suspect made his submissions;
The Registrar took note of submissions;

The debates were closed for deliberations;
After deliberations in accordance with the law, the court made the decision in following terms:

THE COURT

Whereas, according to the interrogation statement No... dated 04 July 2018, Mr.... was brought before this Court, in any event before the prescription of the criminal action, on allegations to have attempted to commit in Pikine-Guediawaye in 2019, acts of sexual penetration on..., a minor of less than 16 years old using violence, coercion, threat; in addition with no fraud and violence, abducted the said minor from her parental authority;

Offences provided for and punished by articles 364, 366 and 368 of the Penal Code;

ON MERITS

On the criminal action

Whereas during interrogation of the suspect, the latter denied the alleged facts;

Whereas the public prosecutor applied for the suspect to be sentenced to 3 years of imprisonment;

Whereas in light of the court records and the debates during hearing there is still doubt on conviction of the accused for the offences of attempt of rape and pedophilia; it is appropriate to pronounce his acquittal for these offences;

While however, the court is satisfied that the accused committed the abduction of a minor; it is appropriate to declare him guilty and sentence him to 2 years of imprisonment with suspended sentence;

On Civil damages

Whereas the child the claimant of civil damages did not neither appear nor was represented at the hearing, the Court reserves its pronouncement on civil damages;

FOR THESE REASONS

Ruling publicly in the presence of parties in correctional matters at first instance;

- Declares acquittal of accused for the attempt of rape and pedophilia;
- Declares the accused guilty for abduction of the minor;

- Sentences the accused to two years of imprisonment with suspended sentence;
 - Reserves pronouncement on the civil damages
 - Orders the accused to pay the costs;
 - Sets enforcement by committal period to maximum;
- Done, tried and pronounced publicly on the day, month and year above.

And have signed

President (signed)

Registrar (signed)