

Republic of Senegal
One Nation- One Goal-
One Faith

Dakar Court of Appeal

Special regional Tribunal of
Dakar

... of the judgment
... of the public prosecution

Public Prosecutor

And

.....

Versus

.....
(Counsel)

Type of the offence

Attempt of rape
Articles 2, 3 and 230 of the
penal code

Decision

(See end of judgment)

SUSPECT CAUGHT RED-HANDED

SPECIAL REGIONAL TRIBUNAL OF DAKAR (SENEGAL)

PUBLIC HEARING OF DECEMBER 3, 2014

At the public hearing of the special regional tribunal of Dakar (Senegal) of December 3, 2014 held in correctional matters by Madam..., sitting judge and President, assisted by Mr... and Madam ..., sitting judges and members, in the presence of Mr. ..., 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 on 24.11.2014;

And

.... born in Ndiganiao, daughter of..., and of..., house girl domiciled in Cité Penitence; claimant for damages, absent and not represented at the public hearing;

ON THE ONE HAND

AND

1. Born at Grand- Mbao, 26 years old, son of... and of... carpenter domiciled at Grand- Mbao;

Detention warrant of 24.11.2014;

Suspect of attempt of rape;

(Art.2,3 and 320 of the Penal Code);

Appearing in person at the public hearing and assisted by his lawyer;

ON THE OTHER HAND

Summoned by the President at the hearing of 26 November two thousand and fourteen in accordance with article 384 of the Code of Criminal Procedure, the suspect stated that he wanted to be tried immediately but the case was adjourned on 3 December 2014 before being pleaded.

When the case was called, the Public Prosecutor stated that he brought the above-mentioned suspects before the Court at the hearing of the day for them to present their defense for the above-mentioned allegations.

The suspects were interrogated;

The Registrar took note of the answers of the suspects;

The Public Prosecutor applied for two years of imprisonment for the suspect;

The suspect and his counsel made their submissions;

The debates were closed;

And the court, after its deliberations according to the law, made the decision in following terms:

THE COURT

Whereas, according to the interrogation statement by the Public Prosecutor dated 24 November 2014... was referred to this Court, in any event before the prescription of the criminal action, for the allegations of having committed in Dakar on 24 November 2014 an attempt of rape on...which attempt, manifested by the beginning of its execution (violence), only failed due to circumstances beyond the control of the suspect;

Offences provided and punished by articles 2,3 and 230 of the Penal Code;

That it is necessary to give an adversarial judgment with regard to the suspect and a default judgment with regard to the claimant of civil damages;

ON PROCEDURE

Whereas the criminal action was initiated in accordance with the court procedure and in time limits;

That it should be declared admissible;

ON MERITS

ON CRIMINAL ACTION

Whereas the facts of which the suspect is accused are established;

That he should be found guilty and sentenced to two years of imprisonment;

Whereas it is appropriate to reserve pronouncement on the civil damages and order the accused to pay costs;

FOR THESE REASONS

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

ON PROCEDURE

Declares the prosecutor's action admissible

ON MERITS

On the public prosecution

- Declares.... guilty;
- Sentences the accused to two years of imprisonment;
- Makes no pronouncement on the civil damages of...
- Orders the offender to pay the costs;
- In witness whereof, this judgment was signed by the judge who delivered it and by the Registrar on the day, month and year above.

President (signed)

Registrar (signed)