

SUSPECTS CAUGHT RED-HANDED

Hearing in correctional matters of 13 December 2019

Dakar Court of Appeal
High Court of Pikine-
Guediawaye

No of the public
prosecution:
No of the judgment:

31.12.19

Public Prosecutor

And
..... PC (CP)

Custodian
Me.....
Me.....
.... PC (NC)

Versus
.....
...Counsel
....Counsel

Type of the offence

Rape and pedophilia

At the ordinary public hearing of the High Court of Pikine-Guediawaye of 13 December 2019 held in correctional matters by Mr..., President, Mr... and Mr ..., 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 of 25.11.2019;

ON THE ONE HAND

Versus

...born 19.10.1987 in Pikine of ... and ...domiciled at Golf Sud; suspect of rape and pedophilia, assisted by Me... and..., counsels;
Detained on detention warrant of 04.07.2018;
Present at the public hearing and assisted by Me..., counsel;

ON THE OTHER HAND

Summoned at the hearing of the day in accordance with article 384 of the Criminal procedure Code, 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 asked the court to sentence the suspect to 2 years of imprisonment;
When interrogated, the suspect made his submissions;
The Registrar took note of the answers of the suspects;
The debates were closed for deliberation;
After its deliberations in accordance with the law, the court made the decision in following terms:

THE COURT

Whereas, according to the interrogation statement No 4815 dated 25.11.2019, ... was brought before this Court, in any event before the prescription of the criminal action, on allegations to have committed in Pikine in 2018, by violence, coercion, threat, acts of sexual penetration on; to have committed in the same circumstances, gestures, touching and caressing for sexual purposes on the above- mentioned minor;

Offences provided for and punished by articles 320 and 320 bis of the Penal Code;

ON MERITS

On the criminal action

Whereas while he was interrogated the suspect denied the facts;

Whereas the public prosecutor applied for 2 years of imprisonment for the suspects;

Considering that during public hearing, the facts the suspect is accused of are rather acts of abduction of a minor and that it is appropriate to categorize them as such and sentence the accused to 3 months of imprisonment;

On Civil damages

Whereas the amount of 1 million FCFA claimed by ...for civil; that it is appropriate to order the payment of the said amount;

FOR THESE REASONS

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

- Categorizes the offence the suspect is accused of as abduction of a minor;
- Declares the accused guilty of this offence;
- Sentences him to 3 months of imprisonment;
- Declares admissible the civil action of... representing;
- Grants him 1 million of FCFA as reparation;
- Orders the accused to pay the said amount;
- Orders provisional execution of the sentence;
- Orders the offender to pay the costs;
- Sets the enforcement by committal period to maximum;

Thus done, tried and pronounced publicly on the above day,
month and year.

And have signed

President (signed)

Registrar (signed)