

Prosecution No:

Registry No:

Of 03.04.18

The Prosecutor

Versus

.....

D.W. of...

Nature of offence

Rape, Pedophilia, Attempted Rape

President:...

Members:...

The Prosecutor:...

The Registrar:...

IN FLAGRANTE DELICTO

Hearing of 03 April 2018

In the Name of the People of Senegal

At the public and ordinary hearing of the Pikine Guediawaye High Court on 03 April 2018 held on criminal matters by Mr ..., President, Mr ... and Mr ..., judges at the seat of the Court - Members, in the presence of Ms ..., representing the Prosecutor and with the assistance of Maître ..., Registrar, the following judgment was passed:

Between:

The Prosecutor, Applicant following the minutes of interrogation for the flagrante delicto case No... dated March 9, 2018;

On the one hand

And:

... on behalf of ...and ..., assisted by Barrister

On the other hand

Questioned at the hearing of 20 March 20218, in conformity with article 384 of the Criminal Procedure Code, the accused declared that he wanted to be judged in the presence of his lawyer, and the case was adjourned to 27 March 2018;

The President read the seizure brief and examined the accused;

After summarizing the case, the prosecutor requested for the accused to be sentenced to ten (10 years' imprisonment;

The accused presented his defense;

The defense counsel in his pleadings requested for acquittal on the benefit if doubt;

The Registrar took note of the statements of the accused and the pleadings of the defense counsel;

The deliberations were then declared closed and the case adjourned to March 30, 2018, and later to April 3, 2018;

Following this hearing, the Court, concluding its deliberation in accordance with the law, ruled as follows:

THE COURT

Whereas according to the interrogation minutes of the flagrante delicto matter of March 09, 2018, Mr.... was brought before this jurisdiction, upon accusation of having in Thiaroye, during the year 2018, through the use of threats or violence, committed acts of sexual penetration on the person of ... and ..., in the circumstance that he was their adoptive father and that...- was below the age of 13 years; for having committed acts of pedophilia on them, also trying to rape ...

Offences provided for and punishable under articles 320, 320 bis, 321 and 327 of the penal code;

ON THE MERIT:

On the public action

Whereas when questioned, the accused denied the facts;
That the Prosecutor, after having after summarized the case, requested that the accused be declared guilty and sentenced to ten (10) years' imprisonment;
Whereas in the light of the exhibits of the case file and the deliberations of the hearing, it emerges that the charges against the accused are constant and established;
That it is appropriate to declare him guilty of this count and to sentence him to ten (10) years of imprisonment;

On the civil interests

Whereas...acting on behalf of the minor victims, declared his constitution of civil party and requested for the payment of ten million (10,000,000) CFA francs for damages;
Whereas in this case, the court has sufficient elements to serve as basis to reduce the sum to fair and reasonable amount;
That it therefore appropriate to limit the amount to the sum of five million CFA franc and to order the accused to pay the said amount, by granting provisional execution, and granting the maximum duration of imprisonment for failing to pay the dues;

FOR THESE REASONS

Deliberating publicly, on the basis of counter-argumentation, in criminal matter and in first instance;

- ✓ Declares the accused guilty;
- ✓ Sentences him to ten (10) years of imprisonment;
- ✓ Admits the constitution of civil party of on behalf of ... and ...;
- ✓ Condemns the accused to pay the sum of 5,000,000 CFA franc for damages;
- ✓ Orders provisional execution;

- ✓ Orders the maximum duration of imprisonment for failing to pay the dues;
- ✓ Attributes costs to the accused;
- ✓

Thus done, decided and publicly pronounced on the day, month and year above;

Signed:

The President

The Registrar

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