

IN FLAGRANTE DELICTO

Hearing of December 20, 2019

Prosecution No:

Registry No:

Of 20.12.19

The Prosecutor

Versus

.....

Nature of offence

Rape, Pedophilia, Abduction of minor
(girl)

At the public and ordinary hearing of the Pikine Guediawaye High Court on 20 December 20 2019 held on criminal matters by Mr. Oumar Mamadou DIAO, President, Ms Ndeye Ami CAMARA and Ms Oulimata NDIAYE DIOP, judges at the seat of the Court – Members, in the presence of Mr. Abdoulaye GUEYE, Deputy Public Prosecutor and with the assistance of Maître Ibrahima DIOP, Registrar, the following judgment was passed:

Between:

The Prosecutor, Applicant, following minutes of interrogation for the flagrante delicto case of 06.12.19;

On the one hand

Against:

... born in 1953 in Lobe to and ... domiciled at Yeumbeul;
Detained following detention warrant of 06.12.19;
Appearing in court in person;
Accused of rape, pedophilia and abduction of minor (girl);
Assisted by Barrister...

On the other hand

Questioned at the hearing of the day in conformity with article 384 of the Criminal Procedure Code, the accused declared that he wanted to be judged immediately and the case was retained and debated upon;

The President read the seizure brief and examined the accused;

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

The accused presented his defense; The Registrar took note of the accused's statements;

The debates were then declared closed and the case enlisted for deliberation on that day;

On this note, after completing its deliberation in conformity with the law, the Court ruled as follows:

THE COURT

Whereas according to the interrogation minutes of the flagrante delicto matter 4923 of 06 December 2019, ... was brought before this jurisdiction, upon accusation of having, in Pikine-Guediawaye, during the year 2019, through violence, force, threat or surprise committed an act of sexual penetration on the person of... minor (girl) below the age of 13;

In addition, makes touching gestures for sexual purposes on the aforementioned;

Finally, without fraud or violence, deviates the latter from authority under which she was placed;

Offences provided for and punishable under articles 320, 320 bis and 348 of the penal code;

ON THE MERIT:

On the public action

Whereas when questioned, the accused disputed the facts;

That the Prosecutor, after having summarized the case, requested for ten years of imprisonment against the accused;

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 ... in her capacity ... made no claims; it is appropriate to note that she is not making any claim;

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 in her capacity as...;
- ✓ Acknowledges that she does not make any claim;
- ✓ Attributes costs to the accused;
- ✓ Orders the maximum duration of imprisonment for failing to pay the dues.

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

Signed:

The President

The Registrar