

IN FLAGRANTE DELICTO

Prosecution No:

HEARING OF 18 SEPTEMBER 2018

Registry No:

In the name of the people of Senegal

Of 18.09.2018

The Prosecutor

And

(C.L:...)

Versus

.....

D.M. of 25/07.2018

At the ordinary public hearing of the Pikine-Guediawaye High Court on 18 September 2018 for criminal matters by Mr. ..., President, in the presence of Mr. ..., representing the Prosecutor and with the assistance of Maître ..., Registrar, the following judgment was passed:

Between:

The Prosecutor, Applicant, following minutes of interrogation for the flagrante delicto case of No... dated 25 July 2018;

And

- ..., appearing and concluding at the hearing with the assistance of Barrister...;

ON THE ONE HAND

Nature of offence

Rape of a minor below the age of 13 years, Pedophilia

President: Mr....

The Prosecution: Mr....

The Registrar: Maître...

Against

..., born in 1985 in Guinea-Conakry to and ..., bachelor, residing in Cambarene;

Detained following detention warrant 25 July 2018;

Appearing and defending himself at the hearing by his lawyer, Barrister...;

ON THE OTHER HAND

Questioned the hearing of 25 July 2018, in conformity with article 384 of the Criminal Procedure Code, the accused declared that he wanted to be judged immediately, but the case was repeatedly adjourned until 18 September 2018;

The President read out the seizure brief and proceeded to interrogation of the accused;

The prosecutor summarized the case and requested that the law should be applied;

The registrar took note of the statements of the accused and the defense pleadings;

The deliberations were then declared closed and the case adjourned for judgment to be passed during this day's hearing;

When questioned, the accused presented his defense arguments;

Thereupon, the court, concluding its deliberation in accordance with the law, ruled as follows:

THE COURT

Whereas, according to the interrogation minutes of flagrante delicto case of July 25, 2018, ... was brought before this jurisdiction upon accusation of having, in Guinaw Rail, using violence, coercion or threats, committed an act of sexual penetration on ... aged 04 years old;

For having, in the same circumstances, carried out acts of pedophilia on the child;

Offenses provided for and punishable under articles 320 and 320 bis of the Penal Code;

On the merit:

On the public action:

Whereas, when questioned, the accused admitted the facts;

That the Prosecution, after having summarized the case, requested the application of the law;

Whereas in the light of the file and the deliberation of the hearing, the court is convinced of the facts charged against him;

That it is appropriate to sentence him;

On civil interests

Whereas the civil party, whose constitution was done in accordance with the procedures, claimed Ten Million as damages;

That it is appropriate to admit the constitution and to so acknowledge;

The defense counsel pleads for his release;

For these reasons:

Ruling publicly, on the basis of counter-argumentation, in criminal matters and in first instance;

- Declares the accused guilty;
- Sentences him to 10 years in prison;
- Admits the constitution of civil party by ..., on behalf of ...;
- Condemns the accused to pay the sum of five hundred thousand (500,000) for damages;
- Orders provisional execution;
- Condemns the accused to pay the costs;
- Accords maximum duration of imprisonment for failure to pay dues;

Thus done, judged and pronounced on the above-mentioned day, month and year.

And signed by the President and the Registrar.