

victim with a knife; that although a first-time offender, her modus operandi shows how dangerous a person she is; that to render her harmless and prevent her from doing it again, it would be proper she be administered an actual sentence of 36 (thirty-six) months imprisonment and an actual fine of CFA F 500,000;

Facts against ~~and~~ Udumaga Robert

D Aiding and abetting in pimping

Whereas ~~and~~ 85 are being sued for aiding and abetting in pimping pursuant to articles 131(4) and 533(22) of the Penal Code; that according to these articles, shall be guilty of aiding and abetting in pimping, whosoever having cognisance of a pimping offence as being attempted or already executed and did not immediately inform administrative or judicial authorities while it was still possible to prevent or mitigate the effects thereof, or while thinking that the accused or one of them would commit new offences which a denunciation could have prevented;

Whereas ~~and~~ 85 are accused of not informing relevant authorities about the pimping activities for which \$ was found guilty; that, in the meantime, arguments during trial showed that the Accused do not live with \$ that an examination of the case file in court could not clearly establish they were aware of Anene Aneita's pimping; that there are still doubts as to their aiding or abetting in pimping considering factual analysis of the case file; that it would therefore be proper to release them for the benefit of doubt;

b) Aiding and abetting in assault and battery

Whereas ~~and~~ U.R are charged with aiding and abetting in assault and battery; that pursuant to articles 131(4) and 512(18) of the Penal Code shall be guilty of aiding and abetting in pimping whosoever, having cognisance of an assault and battery leading to someone suffering from an illness or total disability of 7 (seven) days, but less than 21 (twenty-one) days, while the offence is attempted or already committed and while it was still possible to prevent it or mitigate the effects thereof, or while thinking the accused or one of them would commit new offences which could have been prevented by immediately informing administrative or judicial authorities;

Whereas in the case at hand, all the accused acknowledged that A. A had intentionally poured boiling water on the back of Ijoy Manboy; that this action is punishable by the law; that they managed not to report this offence to relevant authorities; that even worse, they tried to hide the facts to prevent her from a lawsuit; that to this end, B.S provided healthcare services to the victim through self-medication; that U.R on his part had to convince the Nigerian community not to report the case to authorities; that he even resorted to threats to achieve his goal; that all these schemes were meant to prevent facts of assault and battery from getting to administrative or judicial authorities; that while he was busy trying to save A. A the pain of any lawsuit, the victim was still suffering from her injuries, that moreover, it was possible for the Accused to commit further offences; that by the way, she went on committing offences by carrying on with her pimping activity until she was arrested; that coming to realise that their actions are punishable, the accused kept on apologising throughout the court session, that with faithfulness thereof, it would be proper to find that the offence of aiding and abetting in assault and battery committed by B.S and U.R is fully established; that it would be appropriate to find them guilty and sentence them:

c) Sentence

Whereas as provided by article 131(5) and 512(18) of the Penal Code anyone aiding or abetting in assault and battery which resulted in someone's illness or total disability of 7 (seven) days, but less than 21 (twenty-one) days shall be punishable with two months to three years imprisonment and a fine of CFA F 250,000 (two hundred and fifty thousand) to CFA F 2,000,000 (two million);

Whereas in the case at hand B.S and U.R were found guilty of aiding and abetting in assault and battery which caused in Ijoy Manboy a total disability of 8 (eight) days; that they are however first-time offenders; that they concurred with the charges against them; that they asserted to have taken full measure of the charges against them; that they said they had drawn the lessons thereof; that they promised not to ever do it again; that all these act as mitigating circumstances, which it would be proper for the Accused to benefit from; that it would therefore be proper to give them a suspended

sentence of 6 (six) months and an actual fine of CFA F 150,000 (one hundred and fifty thousand);

2) Civil action

Whereas pursuant to articles 230(1), 321(43) of the Criminal Procedure Code, the claim for damages as a result of an offence, shall be sought by those who personally suffered the consequences thereof; that reparations shall be sought during criminal hearing before the submissions of the Legal Department;

Whereas Ijoy Manboy is victim of pimping and assault and battery inflicted by A. A for which she was found guilty; appearing in court, she claimed damages parallel to prosecution amounting to CFA F 600,000 (six hundred thousand); that when asked to justify her claim, she provided no further explanations; that an examination of the case file in court showed that her brother had sent her CFA F 250,000 (two hundred and fifty thousand); that this money was to serve as instalment of the CFA F 1,200,000 (one million two hundred thousand) which she had to pay to A. A with the proceeds of her prostitution; that in addition, she asserted that A. A was withheld money belonging to her amounting to CFA F 50,000 (fifty thousand); that mindful of these facts, it would be proper to find her claim partially grounded; that thence, it would be proper to round up the amount for damages to CFA F 300,000 (three hundred thousand) ; that consequently, it would be proper to order A. A to pay her this amount as damages;

3) Costs

Whereas finally that pertaining to costs, article 321(94) of the Criminal Procedure Code provides that accused found guilty as charged shall be fined and have the costs ordered against them; that in the case at hand A. A was found guilty of pimping and assault and battery; that B.S and U.R pleaded guilty of aiding and abetting in assault and battery; that it would be proper to order the costs against them;

UPON THESE GROUNDS,

Ruling in a public hearing after full trial in a criminal case in first resort;

- ❖ Find A. A guilty of pimping and assault and battery;
- ❖ In repression, sentence her to 36 (thirty-six) months actual imprisonment and a fine of CFA F 500,000 (five hundred thousand);
- ❖ Release B.S and U.R of charges of aiding and abetting pimping for the benefit of doubt
- ❖ Instead find them guilty of aiding and abetting assault and battery
- ❖ In repression, give them a suspended sentence of 6 (six) months and an actual fine of CFA F 150,000 (one hundred and fifty thousand);
- ❖ Find admissible, the claim for damages parallel to prosecution of Ijoy Manboy as to form, and on the merits find it partially grounded, and consequently order A. A to pay her CFA F 300,000 (three hundred thousand) damages:
- ❖ Order the costs against all the Accused; Judgement passed on the day, month and year as above.

President

Registrar