

SUPREME COURT

JUDICIAL BENCH

COMMON LAW DIVISION

File No .11/COM/CRIM/2019
Appeal No CASWR/01CR/2015
of 30th December 2021

Judgment No.37/COM
of 02nd December 2021
IN THE MATTER

BETWEEN

MBAH MBEUKEU Joan épse EBONGOLE

And

- THE PEOPLE OF CAMEROON
- SOCIETE NATIONALE DE REFFINAGE (SONARA) SA.
- IBRAHIM TALBA MALLA

COURT DECISION:

The Court:

- The withdrawal of the appeal is granted with effect from 30th October 2018, that the appeal was filed;
- The Appellant to bear the costs of proceedings.
- Orders the Registrar-in-Chief of the Judicial Bench of the Supreme Court to notify a copy of this judgment to the Procureur General at the Court of Appeal of the South West Region and to the Registrar in Chief of the said Court for inscription or mention in their respective records;

Delivered by their Lordships:

BEA Abednego KALLA.....PRESIDENT.
James George NGWENE.....JUDGE;
NYIAWUNG Alexander FOBELAH.....JUDGE;

In the presence of;

LUMUNGA Sarah epse AMOUGOU
BELINGA.....Advocate General;
ACHUO Elvis.....REGISTRAR.

- REPUBLIC OF CAMEROON -

- IN THE NAME OF THE PEOPLE OF CAMEROON

In the year 02nd day of December;

The Common Law Division, of the Judicial Bench of the Supreme Court, sitting in its Ordinary session open to the public, delivered the following judgement:

IN THE MATTER

BETWEEN

MBAH MBEUKEU Joan épse EBONGOLE - Appellant, represented by Barrister EBI Stanley EKWALLE, Advocate in Buea;

ON THE ONE HAND

AND

THE PEOPLE OF CAMEROON, SOCIETE NATIONAL DE REFFINAGE (SONARA) SA. - Respondents, represented by Barrister ETA BESSONG Junior. Of ETA BESONG Chambers Buea;

ON THE OTHER HAND.

THE COURT

Mindful of sections 35 and 53 (2), of Law No 2006/016 of 29 December 2006, to lay down the organisation and functioning of the Supreme Court;

Mindful of the memorandum of grounds of appeal filed, on 1st November 2019, by Barrister EBI Stanley EKWALLE ;

Mindful of the memorandum of written submissions in reply filed, by Barrister NOUVELLIZA ETA-BESONG NJIMINOH, for the 2nd & 3rd Respondents;

Hearing and determining the appeal filed, on the 30th October 2018, at the Registry of the Court of Appeal of the South West Region, Barrister EBI Stanley EKWALLE, an advocate in Buea, acting for and on behalf of MBAH MBEUKEU Joan épouse EBONGNGOLE, appealed to the Supreme Court against judgment N°. CASWR/0001CR/2015, delivered on the merits in respect of the parties, on 23rd October 2018, by the afore-mentioned Court, adjudicating on a Criminal matter

between his client and THE PEOPLE OF CAMEROON, SOCIETE NATIONAL DEREFFINAGE (SONARA) SA and Ibrahim TALBA MALLA.;

By his correspondence, whose only information with regard to the date was 2020, received at the Registry of the above mentioned Bench, on 6th November 2020, Barrister EBI Stanley EKWALLE, of counsel for the appellant, applied to withdraw this appeal.

Given that section 522(1), of the Criminal Procedure Code allows for such a practice.

In the light of section 524(1) of the above Code. the withdrawal should be made to take effect from the date the notice of appeal in this matter was filed, to wit, 30th October 2018.

Mindful of the submissions of the Procureur General at the Supreme Court, Mr. Luc NDJODO;

The appeal was declared admitted in judgment 738/EP, of the 12th November

2010, delivered by the Panel of Joint Divisions of the Judicial Bench of Supreme Court;

Considering the report of the rapporteur, **Justice George NGWENE James** (JSC), Judge of the Common Law Division of the Supreme Court;

Considering that Mrs. LUMUNGA Sarah épouse AMOUGOU BELINGA Advocate General at the Supreme Court, representing the Legal Department, addressed the Court;

Considering that the instant judgment is being delivered in a public hearing after having deliberated on the matter in accordance with the law;

UPON THESE GROUNDS

- The withdrawal of the appeal is granted with effect from 30th October 2018, on which date the appeal was filed;
- The Appellant to bear the costs of the proceedings.
- Orders the Registrar-in-Chief of the Judicial Bench of the Supreme Court to notify a copy of this judgment to the

Procureur General at the Court of Appeal of the South West Region and to the Registrar in Chief of the said Court for inscription or mention in their respective records;

So has it been judged and pronounced by the Common Law Division of the Judicial Bench of Supreme Court in its open ordinary session held on the second day of December two thousand and twenty-one composed of their Lordships;

BEA Abednego KALLA.....PRESIDENT.
James George NGWENE.....JUDGE;
NYIAWUNG Alexander FOBELAH.....JUDGE;

In the presence of Mrs **LUMUNGA Sarah epse AMOUGOU BELINGA**, Advocate General at the Supreme Court, representing the Legal Department;

And with the assistance of **Mr ACHUO Elvis** Registrar;

In witness whereof, the judgment has been signed by the President, the Judges, and the Registrar;

Inappropriate words cancelled- none;

THE PRESIDENT, THE JUDGES, THE REGISTRAR.