

IN THE FIJI COURT OF APPEAL  
Criminal Appeal No. 17/90

BEFORE THE HON JUSTICE MICHAEL M HELSHAM  
PRESIDENT OF THE FIJI COURT OF APPEAL  
AND THE HON JUSTICE SIR MOTI TIKARAM  
RESIDENT JUDGE OF APPEAL  
AND THE HON JUSTICE SIR MARI KAPI  
JUDGE OF APPEAL

WEDNESDAY THE FOURTH DAY OF MARCH, 1992 AT 9.31 A.M.

BETWEEN: SAVENACA WAQATABU APPELLANT

AND : S T A T E RESPONDENT

MR K BULEWA  
MS N SHAMEEM & MS L LAVETI

FOR THE APPELLANT  
FOR THE RESPONDENT

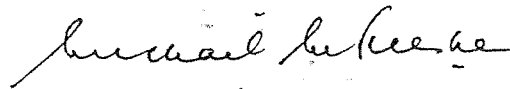
O R D E R

14

JUSTICE HELSHAM

: The accused was convicted of rape on the 26th of July 1990. The learned trial judge called on the accused after the conviction to say whatever he wished to say in his defence on a question of sentence. The accused said whatever he wanted to say and there is no doubt that the learned trial judge took it into account.

The ground which has been argued as one of the grounds for claiming that the sentence was excessive has been considered by this court and the court finds it is not a matter that warrants any alteration in the sentence at all. In all the circumstances, we form the view that the sentence is not manifestly excessive and the appeal on that ground will be dismissed.



PRESIDENT  
FIJI COURT OF APPEAL