IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL NO. AAU0009 OF 2000
[(1. Lautoka Magistrate Court No. : 876/98
(High Court No.: HAA0004/99)
2. Lautoka Magistrate Court No. :877/98
(High Court No. : HAA0005/99)
3. Lautoka Magistrate Court No. : 878/98
(High Court No. : HAA006/99)
4. Lautoka Magistrate Court No. : 879/98
(High Court No. HAA007/99)
5. Lautoka Magistrate Court No. : 880/98
(High Court No. : HAA008/99)   ]

BETWEEN: PARMOD CHANDRA   *Appellant*

AND: THE STATE   *Respondent*

Dismissal of application for leave to appeal out of time

The Appellant was convicted on his own plea on 5 separate charges all involving dishonesty in the Magistrates' Court at Lautoka on 30 November 1998. He was sentenced to three and half years (3½) imprisonment on each of the charges to be served concurrently to the other. The Appellant has previous convictions for similar offences which run into some five pages. These were before the Magistrate when she sentenced the Appellant.
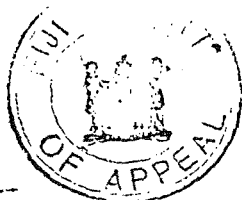
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The Appellant subsequently appealed to the High Court against the sentence claiming that it was far too severe. Not surprisingly on 21 January 1999 his appeal in each of the five cases was summarily dismissed under Section 313(2) of the Criminal Procedure Code.
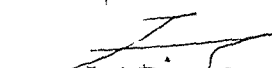
The Appellant has now applied to this Court for leave to appeal out of time. The Petition of Appeal (in form of a letter) is undated but was forwarded to the Chief Registrar and received by him on 3 September 1999. The Petition does not raise any questions of law and merely contains the usual plea for mercy.

The proposed appeal must fail because of Section 309 of the Criminal Procedure Code and by application of Section 22(1) and 1(A) of the Court of Appeal Act (as amended by Act No. 38 of 1998).

The application for leave to appeal out of time is dismissed and therefore the proposed appeal against conviction and sentence is also dismissed under Section 35(2) of the Court of Appeal Act.

Dated at Suva this 11 day of April 2000.

Jai Ram Reddy
President, Court of Appeal, Fiji