

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL NO. AAU0028/2001  
(High Court Criminal Case No. HAC005 of 2000)

BETWEEN:                      ANAND AVINESH MANI                      Applicant

AND:                              THE STATE                              Respondent

APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

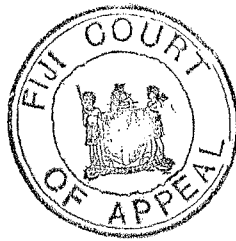
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1. On the 11<sup>th</sup> of October 2001, the Applicant was sentenced to 4 years imprisonment for manslaughter.
2. By letter dated 15<sup>th</sup> August 2002, the Applicant seeks leave to appeal against the sentence, out of time. He had lodged an appeal on the 8<sup>th</sup> of December 2001, but before the appeal could be considered he withdrew it on the 4<sup>th</sup> of January 2002.
3. The Applicant's conviction for manslaughter arose from the fact that he was involved in a fight outside a night club with his brother Anand Dinesh Mani, in which the victim Sumasafu Mario Makrava was stabbed three times with a pocket knife and died as a result.
4. In sentencing the Applicant the learned trial Judge (Shameem J.) observed:-  
  
*"However I cannot ignore the use of the knife, the fact that the 1<sup>st</sup> defendant went back to the Purple Haze Nightclub, having already experienced trouble there, the fact that the 1<sup>st</sup> defendant used a knife three times on the deceased, and the fact that the 2<sup>nd</sup> defendant aided and abetted him knowing that his brother had a knife, or was in a joint*

*enterprise with him. I cannot ignore the fact that a life was lost senselessly because the 1<sup>st</sup> defendant did not have the sense to keep away from a potentially violent situation."*

5. The Applicant's brother Anand Dinesh Mani (first accused) was sentenced to six years imprisonment.
6. No reasons are advanced by the Applicant for the long delay in seeking leave to appeal from the sentence imposed by the High Court.
7. Leave to appeal out of time is refused.
8. Under Section 35(3) of the Court of Appeal Act the Applicant is entitled, if he so elects to have the application for leave determined by full bench of Judges.

Dated at Suva this <sup>24<sup>th</sup></sup> 24 September, 2002.



  
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Jai Ram Reddy  
President