

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL AAU0003/2002  
(High Court Criminal Appeal No. HAA0043/2001)

BETWEEN:                    ILIKENA BULA                    Appellant/Applicant

AND:                         THE STATE                         Respondent

APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

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On the 20<sup>th</sup> of April 2001 the Applicant was convicted by the Magistrates' Court at Suva for escaping from lawful custody contrary to Section 138 of the Penal Code, and sentenced to 9 months' imprisonment to be served consecutively to the term the Applicant was serving at the time of escape.

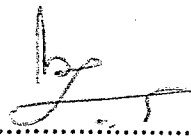
The Applicant appealed to the High Court both against his conviction and sentence. The appeal was dismissed by the High Court on the 4<sup>th</sup> of July 2001.

The Applicant now seeks leave of this Court to appeal against his sentence. This Court has jurisdiction to entertain a second appeal, only where questions of law are involved (Section 22(1) Court of Appeal Act).

I do not see that any question of law is involved in the Applicant's proposed appeal against severity of the sentence.

Since the application is bound to fail because there is no right of appeal and no right to seek leave to appeal I dismiss the appeal under Section 35 of the Court of Appeal Act.

Dated at Suva this 3<sup>rd</sup> February 2002.



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Jai Ram Reddy  
President

