

IN THE COURT OF APPEAL, FIJI ISLANDS
AT SUVA

CRIMINAL APPEAL NO. AAU0034 OF 2003S
(High Court Criminal Action No. HAJ008 of 2003L)

BETWEEN:

SEREMAIA CAKAU

Applicant

AND:

THE STATE

Respondent

APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

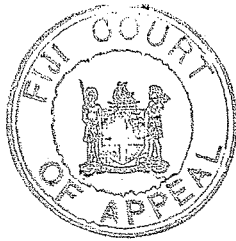
[1] The appellant and co-accused were charged with unlawful use of a motor vehicle, wrongful confinement, and robbery with violence. On 15 August 2003 he was sentenced by the High Court at Lautoka to 6 months imprisonment on the first count, two years imprisonment on the second count, and six-and-a-half years imprisonment on the third count, all sentences to be concurrent.

[2] By a Petition of Appeal dated 24 September 2003 but filed in the court on 3 October 2003 the appellant gave notice of his desire to appeal against the conviction and sentence. However on consideration of the file in the High Court and his grounds of appeal, it is obvious that what he desires is to appeal against the sentences imposed. Any such application for leave to appeal must be filed within 30 days of the date of the sentence.

[3] His Petition of Appeal was therefore 19 days out of time. I will treat the petition as including an application for leave to appeal out of time. In view of the shortness of the period of delay, and having regard to the sentences imposed, I am satisfied that it is appropriate to extend the time for applying for leave to appeal. Accordingly, acting

under s 35 of the Court of Appeal Act, I extend the time for applying for leave to appeal to 3 October 2003. The Petition for Appeal now being a valid appeal, it should be set down for hearing.

Dated at Suva this 19th day of November 2003



A handwritten signature in cursive script, which appears to read "Tompkins".

Tompkins JA