

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL NO. AAU0056 OF 2002  
(High Court Criminal Appeal No. HAA061 of 2002)

BETWEEN:                      VARASIKO NAITUKU                      *Appellant*

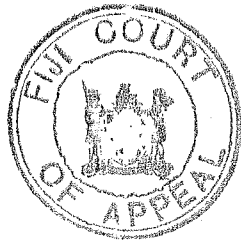
AND:                              THE STATE                              *Respondent*

APPLICATION FOR LEAVE TO APPEAL

1. On 2 August 2002 the Appellant was sentenced to 2 years imprisonment for larceny from a dwelling house, by the High Court (Shameem J.) in the exercise of its appellate jurisdiction on an appeal from the Magistrates' Court at Suva. Furthermore, because the Appellant had committed the offence while on a suspended sentence for a similar offence, 12 months of his 18 months suspended sentence activated. The activated sentence to be served consecutively to the 2 years sentence.
2. The Appellant now seeks leave to appeal against the sentence imposed by the High Court. The letter from the Appellant accompanying the Petition essentially complains about the severity of the sentence. There is no suggestion that the "sentence is unlawful" or "was passed in consequence of an error of law" (see Section 22 of the Court of Appeal Act, as amended).

3. There is no merit in the proposed appeal. It is frivolous and vexatious, accordingly it is dismissed in the exercise of the powers vested in a single Judge under Section 35(2) of the Court of Appeal Act, as amended.

Dated at Suva this 13<sup>th</sup> March 2003.



A handwritten signature in black ink, appearing to read "Jai Ram Reddy", is written above a horizontal dotted line.

Jai Ram Reddy  
**President**