

IN THE FIJI COURT OF APPEAL

CRIMINAL JURISDICTION

AT SUVA

CRIMINAL APPEAL NO: AAU 0036 OF 2008

BETWEEN

MAHENDRA SINGH

Appellant

AND

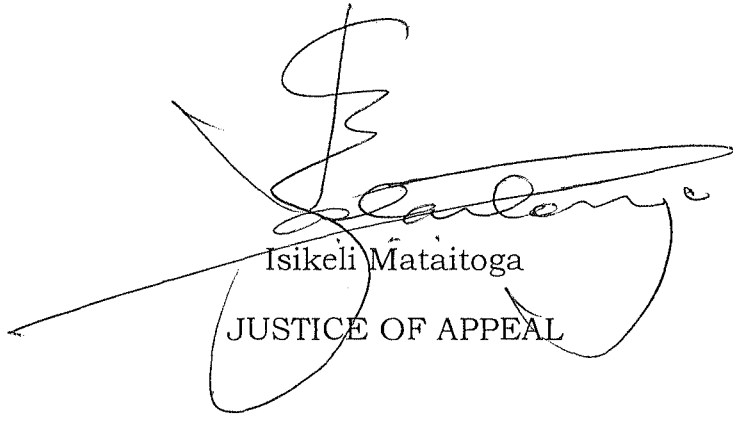
THE STATE

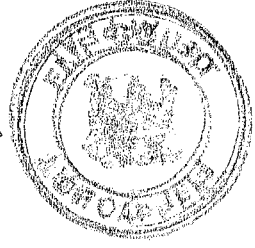
Respondent

RULING

1. I have reviewed the submissions of the appellant, the court records in the High Court and in the Magistrates Court in the light of section 221A of the Court of Appeal Act Cap 13.
2. I am satisfied that there are issues of law raised by the appellant in his appeal. These are:
 - i) Whether the totality of the sentence was correct given that it was first traffic offence by the appellant;
 - ii) The lack of reasoning in how the sentences in the Magistrates Court were arrived at and if the appellant's guilty plea were taken into consideration in the computation of the sentence for each count by the learned Magistrate.

3. I therefore grant leave to the appellant to appeal to the Court, pursuant to powers granted under section 35 (1)(a) of the Court of Appeal Act Cap 13.
4. I ORDER that the appellant must file detail submissions and authorities on the two issues identified above for his appeal no later than 30 August 2008.


Isikeli Mātaitoga
JUSTICE OF APPEAL



17 July 2008