

**IN THE COURT OF APPEAL, FIJI ISLANDS**  
**ON APPEAL FROM THE HIGH COURT OF FIJI**

**APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.: AAU113 OF 2007**  
**(HIGH COURT CRIMINAL APPEAL NO.: HAA 25-30 OF 2007)**

**BETWEEN:**

DEO CHAND

*Applicant*

**AND:**

THE STATE

*Respondent*

Counsel: Appellant in Person  
Mr. P. Bulamainavalu for the State

Date of Hearing & Ruling: Thursday 16<sup>th</sup> October, 2008

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**RULING**

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[1] This is an application for bail pending appeal. The applicant appeals against a judgment of the High Court dismissing his appeal against conviction and sentence. The appeal in the High Court was against convictions arising from pleas of guilty on four separate offences of house breaking and larceny and one incident of larceny from a person.

- [2] The applicant was sentenced to a total sentence of 3 years and 4 months imprisonment.
- [3] The High Court found no merits in the appeal and dismissed it. The applicant then filed an untimely appeal to this Court.
- [4] On 25 January 2008, my brother Byrne J, sitting as a single judge of this Court refused leave to appeal.
- [5] The applicant then applied for his application to be heard by the full Court. The application is set for hearing before the full Court on 7 November 2008.
- [6] The applicant now seeks bail.
- [7] The principles governing bail pending appeal is settled. Bail pending appeal is granted in exceptional circumstances. The appeal must have every chance of success.
- [8] The principal complaint of the applicant is that his pleas were equivocal because he was forced to plead guilty. He has not advanced any grounds on sentence.
- [9] The hurdle for the applicant is that his right of appeal to this Court is restricted to questions of law only (s.22 of the Court of Appeal Act). The ground advanced by the applicant does not raise a question of law alone.
- [10] For this reason I am not satisfied that this appeal demonstrates every chance of success.
- [11] The appeal is set for hearing in the first week of November this year. Therefore, the question of having served a large portion of the total sentence does not arise.

[12] The application for bail pending appeal is refused.



A handwritten signature in black ink, appearing to read "Daniel Goundar", is written over a horizontal dotted line.

**Daniel Goundar**  
**JUDGE OF APPEAL**

**At Suva**  
**Thursday 16<sup>th</sup> October, 2008**

**Solicitors**  
Applicant in Person  
Office of the Director of Public Prosecutions, Suva for the State