

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

CRIMINAL APPEAL NO. AAU0033 OF 2008
(High Court Criminal Action No. HAC 62 of 2006)

BETWEEN: PENI MATAIRAVULA

Appellant

AND: THE STATE

Respondent

Date of Hearing: Tuesday, 14th September 2010

Counsel: Ms. S. Vaniqi for the Appellant
Mr. D. Toganivalu for the Respondent

Date of Judgment: Tuesday, 14th September 2010

JUDGMENT OF THE COURT

1. On the 30th May 2006 the appellant Peni Matairavula was alleged to have committed two offences of robbery with violence. He was tried before Mr Justice Govind and assessors at Lautoka and was found guilty as charged on 12th March 2008. On 20th March 2008 he was sentenced to 5 ½ years on each count to be served concurrently. On 25th June 2008 Mr Justice Andrew Bruce granted him leave to appeal on one ground relating to possible bias on the part of one of the assessors at trial.

2. When the appeal was called on this morning 14th September 2010 Peni Matairavula's Counsel Ms S. Vaniqi informed the Court that he now wished to withdraw his appeal. The Court ascertained that this was his own independent decision made freely by him. He told the Court that this was so and was given leave to withdraw his appeal. We informed him that we would dismiss the appeal now withdrawn and hand down our decision in writing.

3. This Court orders :

(1) That the appeal, having been withdrawn by Peni Matairavula, be dismissed.

DATED at Suva this 14th day of September 2010.



A handwritten signature in black ink, appearing to read "Daniel Goundar".

Hon. Justice Daniel Goundar
Justice of Appeal

A handwritten signature in black ink, appearing to read "William R. Marshall".

Hon. Justice William R. Marshall
Justice of Appeal

A handwritten signature in black ink, appearing to read "Salesi Temo".

Hon. Justice Salesi Temo
Justice of Appeal