

**IN THE COURT OF APPEAL, FIJI**  
**APPELLATE JURISDICTION**

**MISCELLANEOUS ACTION NO. 30 OF 2011**  
**[High Court Criminal Action No. HAC 24 of 2010]**

**BETWEEN** : REENAL PRANEEL CHANDRA *Appellant*

**AND** : THE STATE *Respondent*

**Coram** : Chandra RJA

**Counsel** : Appellant in Person  
Mr M Koroivou for the Respondent

**Date of Hearing** : 28 March 2013

**Date of Ruling** : 18 April 2013

**RULING**

1. The Appellant with five others were charged with one count of conspiracy to commit a felony by virtue of forged instruments contrary to s.385 and s.345(a) of the Penal Code and one count each of forgery contrary to s.335(2)(a) and one count of obtaining money by virtue of a forged document contrary to s.345(a) of the Penal Code.
2. The learned High Court Judge convicted the Appellant and the other accused in respect of the charges against them.
3. The Appellant was sentenced to a period of two years imprisonment with a minimum of eighteen months on 19 April 2011.

4. The Appellant filed an application for leave to appeal out of time against conviction and sentence.
5. When the Appellant's application for leave to appeal was taken up for hearing on 28<sup>th</sup> March 2013 he made an application to withdraw his appeal as he had served his sentence and had been released.
6. A single Judge of the Court of Appeal has no jurisdiction to decide on an application to withdraw an appeal. In terms of Rule 39 of the Court of Appeal Rules the single Judge should direct the application for withdrawal to be made before the Full Court.
7. Therefore I direct that this case be placed in the list to be heard before the Full Court.

Suresh Chandra  
**Resident Justice of Appeal**