

IN THE COURT OF APPEAL, FIJI
APPELLATE JURISDICTION

CRIMINAL APPEAL NO. AAU0106 OF 2010
High Court Criminal Action No. HAC 155 of 2010

BETWEEN : NEMANI KAVEREVERE

Appellant

AND : THE STATE

Respondent

Coram : Chandra RJA

Counsel : Appellant In Person
Ms M. Fong for the Respondent

Date of Hearing : 4 April 2013

Date of Ruling : 8 May 2013

RULING

1. The Appellant was charged with two counts of Indecent Assault on a Female contrary to Section 154(1) of the Penal Code (Cap.17), two counts of Rape contrary to Sections 149 and 150 of the Penal Code, Cap 17 and one count of Rape contrary to Section 207(2)(a) of the Crimes Decree No.44 of 2009.
2. The learned High Court Judge convicted the Appellant on his pleading guilty to the said charges.
3. The Appellant was sentenced to a period of fourteen years imprisonment with a non-parole period of eleven years.

4. The Appellant filed an application for leave to appeal his sentence.
5. When the Appellant's application for leave to appeal was taken up for hearing on 4th of April 2013 he made an application to withdraw his appeal.
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 of appeals to be heard before the Full Court.

Suresh Chandra
Resident Justice of Appeal