

**IN THE COURT OF APPEAL**  
**ON APPEAL FROM THE HIGH COURT**

**CRIMINAL APPEAL NO: AAU 39 of 2010**  
**(High Court HAC 43 of 2008)**

**BETWEEN** : **THE STATE** *Appellant*

**AND** : **JOSEPH MARTIN SHAYAM** *Respondent*

**Coram** : **Calanchini P**  
**Kumararatnam JA**

**Counsel** : **Mr M Korovou for the Appellant**  
**No appearance for the Respondent**

**Date of Hearing** : **10 September 2014**

**Date of Judgment** : **13 October 2014**

**JUDGMENT**

**Calanchini P**

[1] On 20 May 2010 the Respondent was sentenced to a term of 18 months imprisonment suspended for 1 year following conviction for the offence of acting with intent to cause grievous bodily harm. However, following the trial, on the count of murder the

assessors had returned a unanimous opinion of not guilty. The learned trial Judge agreed with that opinion and entered a verdict of not guilty in respect of that offence.

[2] On 18 June 2010 the Appellant sought leave to appeal the decision of the learned trial Judge to enter a verdict of not guilty on the charge of murder.

[3] By letter dated 17 June 2014 the Appellant sought leave to abandon the appeal against the acquittal of the Respondent. Rule 39 of the Court of Appeal Rules (the Rules) provides that an appellant may abandon an appeal by giving a written notice to the Registrar.

The Court is duly constituted by two judges pursuant to section 6(2) of the Court of Appeal Act Cap 12 for the purpose of determining the application.

[4] Counsel for the Appellant informed the Court that the decision to abandon the appeal was made freely and voluntarily. It was an informed decision made with the understanding that the application to abandon the appeal will lead to the dismissal of the appeal.

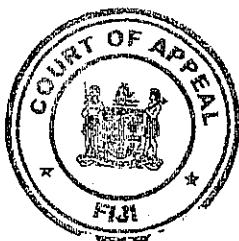
[5] The Appellant is granted leave to abandon the appeal. The appeal is dismissed.

**Kumararatnam JA**

[6] I agree that the appeal should be dismissed.

Order:

*Appeal dismissed.*



*W. Calanchini*  
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HON. MR JUSTICE CALANCHINI  
PRESIDENT, COURT OF APPEAL

*[Signature]*  
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HON. MR JUSTICE KUMARARATNAM  
JUSTICE OF APPEAL