

IN THE COURT OF APPEAL
[ON APPEAL FROM THE HIGH COURT]

(Miscellaneous Action No. 11 of 2011)
(High Court Criminal Case No. HAC 15 of 2009)

BETWEEN : **SALENDRA SEN SINHA** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Gamalath JA
De Silva JA

Counsel : **Appellant in Person**
Mr. V. Perera for the Respondent

Date of Hearing : **14 November 2014**

Date of Judgment : **5 December 2014**

JUDGMENT

[1] This is an application for abandonment of appeal.

[2] The appellant stood charged in the High Court of Lautoka with 61 counts of various crimes *inter alia*, obtaining money by false pretences, larceny, forgery, and uttering forged documents, all offences under Penal Code, Cap17.

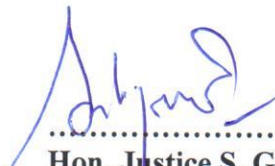
- [3] On 23rd November 2010, he pleaded guilty to all 61 charges and a sentence of imprisonment of five years and two months was imposed to run consecutively to the imprisonment he was already serving for a previous conviction.
- [4] The appellant appealed against the sentence and the leave to appeal application was granted on 26th March 2014, by the resident Justice of Appeal.
- [5] On 14th November 2014, the appellant's appeal came up for hearing before this Court.
- [6] The appellant appeared in person, and was quite conversant with the facts and the legal issues involved in the case.
- [7] When the matter was taken up for hearing, the appellant informed the Court that he did not wish to pursue the appeal and wanted to withdraw the appeal.
- [8] On being enquired, the appellant made it crystal clear to this Court that his decision to abandon the appeal was made freely, without any mistake and it was an unequivocal decision.
- [9] The appellant informed the Court that one main reason for the decision to abandon the appeal was that he had already spent a major part of his sentence of imprisonment and the remaining period is barely another ten months.

[10] After hearing the appellant, the Court is convinced and satisfied that the decision to abandon the appeal was made freely, without mistake and with full understanding of the consequences of abandoning the appeal.

[11] We grant leave to abandon the appeal. The appeal is dismissed.



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Hon. Justice W. Calanchini
PRESIDENT, COURT OF APPEAL



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Hon. Justice S. Gamalath
JUSTICE OF APPEAL



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Hon. Justice S. De Silva
JUSTICE OF APPEAL