

IN THE COURT OF APPEAL
ON APPEAL FROM THE HIGH COURT

CRIMINAL APPEAL AAU 20 OF 2010
(High Court HAC 9 of 2008)

BETWEEN : **FEHOKO GADEKIBUA** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Chandra JA

Counsel : **Appellant in person**
Ms J Prasad for the Respondent

Date of Hearing : **28 March 2014**

Date of Ruling : **28 March 2014**

RULING

[1] By letter dated 19 August 2013 the Appellant applied to withdraw his appeal against conviction and sentence.

[2] The application was made pursuant to Rule 39 of the Court of Appeal Rules.

- [3] The Appellant appeared before the Court in person. He confirmed that he was applying to withdraw and hence abandon his appeal. He informed the Court that he had made his application voluntarily and of his own free will. He had not been forced or misled. He understood that once the Court had granted his application he could not change his mind. The reason for pursuing his application before the Court of Appeal is because he has now been discharged from the correctional centre, having served his term of imprisonment.
- [4] Having heard the Appellant we are satisfied that the application to abandon his appeal should be granted. As a result the appeal is marked dismissed.
- [5] We have been informed by the Respondent that there are no matters pending in any court against the Appellant. As a result we order that the Appellant's passport be returned to him forthwith.

Orders:

- (1) *Appeal dismissed.*
- (2) *Appellant's passport be returned to the Appellant forthwith.*

HON. MR JUSTICE W. D. CALANCHINI
PRESIDENT, COURT OF APPEAL

HON. MR JUSTICE S. CHANDRA
JUSTICE OF APPEAL