

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

**CRIMINAL APPEAL AAU0093 of 2012**  
**(Magistrate Court CF 487 of 2012)**

**BETWEEN** : **ANANAIASA CURUBERA(1<sup>st</sup> Appellant),**  
**BOSE KACIVI (2<sup>nd</sup> Appellant),**  
**AND NAISA QALOBULA (3<sup>rd</sup> Appellant)**

**Appellants**

**AND** : **THE STATE**

**Respondent**

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

**Counsel** : **1<sup>st</sup> Appellant in person**  
**Mr S Sharma for the 2<sup>nd</sup> and 3<sup>rd</sup> Appellants**  
**Ms J Prasad for the Respondent**

**Date of Hearing** : **16 May 2014**

**Date of Ruling** : **29 May 2014**

**RULING**

**Calanchini P**

[1] I agree that the appeals should be dismissed.

**Malalgoda JA**

[2] I agree with the reasoning of Kumararatnam JA.

**Kumararatnam JA**

- [3] The Appellants had pleaded guilty to one charge of Aggravated Robbery contrary to section 311(1) (a) of the Crimes Decree 2009 and were convicted on 17 July 2012. Each of them was sentenced to a term of 3 years and 6 months imprisonment with a non-parole period of 2 years. Subsequently they filed applications for leave to appeal against their sentences.
- [4] When their applications for leave came before a single judge of the Court on 14 March 2014 the Appellants indicated that they wanted to abandon their appeals. The Appellants filed their notice of abandonment of appeal on 14 March 2014.
- [5] In accordance with the Supreme Court decision in Masirewa v The State (unreported CAV 14 of 2008; 17 August 2010) the learned Justice of Appeal referred the application to the Full Court for determination under Rule 39 of the Court of Appeal Rules.
- [6] The Appellants had informed this Court individually that they had served the major portion of their sentences and confirmed that they wanted to abandon their appeal against sentence. They also informed that their applications had been made voluntarily and without any inducement. Under those circumstances the applications to abandon the appeals should be granted and the appeals dismissed.

**Orders:**

*Appeals dismissed.*

*W. Calanchini*

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



*M. Malalgoda*

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**HON. MR JUSTICE MALALGODA  
JUSTICE OF APPEAL**

*K. Kumararatnam*

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**HON. MR JUSTICE KUMARARATNAM  
JUSTICE OF APPEAL**