

IN THE COURT OF APPEAL, FIJI  
On appeal from the High Court of Fiji

CRIMINAL APPEAL AAU 1 OF 2014  
(High Court HAC 5 of 2012)

BETWEEN : PITA DRITI  
*Appellant*

AND : THE STATE  
*Respondent*

Coram : Calanchini P  
Guneratne JA  
A. Fernando JA

Counsel : Appellant in person  
Ms P Madanavosa for the Respondent

Date of Hearing : 16 September 2016

Date of Ruling : 30 September 2016

RULING

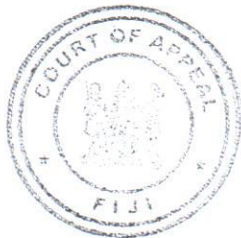
[1] Following a trial in the High Court the Appellant was convicted on one count of inciting mutiny contrary to section 72(1)(a) of the Crimes Decree 2009 by the trial Judge who had


rejected the unanimous not guilty opinions of the assessors. The Appellant was sentenced to a term of 5 terms imprisonment with a non-parole term of 4 years with effect from 11 December 2013.


- [2] The Appellant filed a timely notice of appeal against conviction and sentence. On 10 June 2016 the Appellant filed an application for leave to abandon his appeal under Rule 39 of the Court of Appeal Rules. In accordance with the decision of the Supreme Court in Masirewa -v- The State (CAV 14 of 2008; 17 August 2010) the application was listed for hearing before the Court of Appeal.
- [3] At the hearing the Appellant confirmed that the application had been made voluntarily. He stated that the application was made on the basis that he had served a substantial part of his sentence. He admitted that he had not taken legal advice in relation to the application. The Court informed the Appellant that if his application was granted then his appeal would be dismissed by the Court. He confirmed that he understood that he could not re-open his appeal once the appeal had been dismissed by the Court.
- [4] Consequently the application to abandon the appeal against both conviction and sentence is granted and the appeal is dismissed.

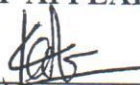
Order

*Appeal against conviction and sentence dismissed.*



  
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**Hon. Mr Justice W. D. Calanchini**  
**PRESIDENT, COURT OF APPEAL**

  
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**Hon. Mr Justice Guneratne**  
**JUSTICE OF APPEAL**

  
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**Hon. Mr Justice A. Fernando**  
**JUSTICE OF APPEAL**