

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

**CRIMINAL APPEAL NO. AAU 42 OF 2010**  
**(High Court No. HAA 16 of 2009)**

**BETWEEN** : MAIKA NAMUDU  
*Appellant*

**AND** : THE STATE  
*Respondent*

**Coram** : Chandra RJA

**Counsel** : Appellant Absent  
Mr. M. Korovou for the Respondent

**Date of Hearing** : 4 April 2013

**Date of Ruling** : 7 December 2016

**RULING**

[1] The Appellant was convicted of one Count of Robbery with Violence contrary to section 293(1)(b) of the Penal Code (Cap 17) and Unlawful use of motor vehicle contrary to section 292 of the Penal Code (Cap.17).

- [2] The Appellant was sentenced in the Magistrate's Court on 28 September 2009 to imprisonment of 3 years and 4 months.
- [3] His appeal to the High Court was dismissed on 23 February 2010.
- [4] The Appellant filed a notice of appeal out of time on 7 July 2010 to the Court of Appeal against his sentence.
- [5] The application of the Appellant was taken up for hearing before Justice Marshall on 20 April 2011 and had been set down for a Ruling.
- [6] As Justice Marshall had not given his Ruling and was not available after July 2012, the application of the Appellant was taken up for hearing on 20 March 2013 and as the Applicant was absent and unrepresented, the application was to be mentioned on 4 April 2013 with notice to the Appellant.
- [7] When the application was mentioned on 4 April 2013 the Appellant was absent and unrepresented and it was brought to the notice of Court that the Appellant had served his sentence and had been released.
- [8] The Appellant had not provided a forwarding or contact address. Since 20 March 2013 the Appellant had not made any contact with the Registry and the Registry has not been able to contact the Appellant.

[9] Under those circumstances the appeal is dismissed as being vexatious under section 35(2) of the Court of Appeal Act (Cap.12).



*S. Chandra*

**Hon. Justice S. Chandra**  
**RESIDENT JUSTICE OF APPEAL**