

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

CRIMINAL APPEAL AAU 139 OF 2015
(High Court HAM 29 of 2015[Labasa])

BETWEEN : **DAVID JOSIAH BROWN** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Guneratne JA
Prematilaka JA

Counsel : **Mr J Savou for the Appellant**
Mr L Fotofili for the Respondent

Date of Hearing : **18 November 2016**

Date of Ruling : **19 December 2016**

RULING

[1] The Appellant applied for leave to appeal the decision of the High Court refusing bail pending trial. The application was made pursuant to section 21(3) of the Court of Appeal Act and was dated 23 October 2015.

- [2] By notice dated 4 March 2016 the Appellant sought leave to abandon his appeal pursuant to Rule 39 of the Court of Appeal Rules (the Rules).
- [3] When the application was called on for hearing Counsel for the Appellant informed the Court that the Appellant's trial had now been completed and that the appeal was no longer on foot.
- [4] As a result the application is granted and the appeal is dismissed.

Orders:

Appeal under section 21(3) of the Court of Appeal Act is dismissed.



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

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

.....*C. Prematilaka*.....
Hon. Mr. Justice C. Prematilaka
JUSTICE OF APPEAL