

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

CRIMINAL APPEAL AAU 141 of 2015
(High Court HAM 12 of 2015 at Labasa)

BETWEEN : ETUATE DREDUADUA
Appellant

AND : THE STATE
Respondent

Coram : Calanchini P
Guneratne JA
Prematilaka JA

Counsel : Appellant in person
Mr L Fotofili for the Respondent

Date of Hearing : 18 November 2016

Date of Ruling : 19 December 2016

RULING

[1] The Appellant filed an application for leave to appeal the decision of the High Court at Labasa refusing bail pending trial. The decision refusing bail was handed down on 5

June 2015. The Appellant's application for leave to appeal was dated 24 October and filed on 3 November 2015 pursuant to section 21(3) of the Court of Appeal Act Cap 12 (the Act). The appeal was out of time by about 3 months.

- [2] By notice dated 4 December 2015 the Appellant filed a notice of intention to abandon that appeal pursuant to Rule 39 of the Court of Appeal Rules (the Rules).
- [3] When the application was called on for hearing the Appellant informed the Court that his trial had been completed. As a result the appeal is no longer on foot.
- [4] Consequently the application to abandon the appeal is granted and the appeal is dismissed.

Orders:

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



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

Judith Guneratne
.....
Hon. Justice Guneratne
JUSTICE OF APPEAL

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