

IN THE COURT OF APPEAL, FIJI
APPELLATE CRIMINAL JURISDICTION

Criminal Appeal No. AAU0031 of 2014
(Magistrates Court No. 154 and 181 of 2011)

BETWEEN : **KAVENI SERU** *Appellant*

AND : **THE STATE** *Respondent*

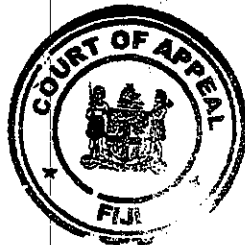
COUNSEL : **Mr. Waqainabete for the Appellant**
Mr. Vodokisolomone for the Respondent

DATE OF RULING : **3 June 2016**

Ruling

1. The appellant seeks leave of the Court to abandon this appeal.
2. He is represented by Counsel and on being inquired the appellant informed this Court that this withdrawal application is pursuant to the consultations he had with his counsel.
3. The Court then inquired from the appellant the circumstances under which he is making this application to withdraw the appeal; in response he stated that this is a decision taken on his own volition and there has been no duress, pressure, intimidation or any other illegal measures brought to bear upon him to withdraw the appeal.
4. The Counsel informed that the appellant is fully aware of the consequences of the decision to withdraw, and also fully aware of the fact that once the application is granted to withdraw the appeal, he will be not be able to seek permission to reinstitute the appeal.

5. According to the appellant he was convicted of the offences of theft and aggravated robbery and imprisoned for 7 years with 4 years non parole period.
6. The conviction was on 17 February 2012 and he is presently on the verge of completing the non-parole period. The Counsel informed the Court that in the circumstances, it is not the wish of the appellant to continue with the appeal. One of the main reasons is that he does not wish the pending appeal to become an impediment to the concessions he wishes to have if the appeal is withdrawn.
7. The appellant has been fully apprised of the consequences of the withdrawal and the appellant has given the consent freely, informed the Counsel.
8. The Court is satisfied that the appellant's decision to withdraw is with full knowledge of its implications.
9. Accordingly the application to withdraw is allowed and the appeal dismissed.



W. Calanchini

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

[Signature]

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

[Signature]

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