

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

CRIMINAL APPEAL AAU 19 OF 2017

(High Court HAA 32 of 2016)

(Magistrates Court No: 393 of 2015)

BETWEEN : ASHNEEL SANDIP LAL

Appellant

AND : THE STATE

Respondent

Coram : Calanchini P
Goundar JA

Counsel : Appellant in person
Mr S Vodokisolomone for the Respondent

Date of Hearing : 20 November 2017

Date of Ruling : 14 December 2017

RULING

[1] The Appellant was convicted in the Magistrates Court at Nadi for one count of conversion and one count of theft and on 8 January 2016 was sentenced to a term of imprisonment of 2 years and 8 months. The Appellant filed an out of time appeal to the High Court. The enlargement of time was granted but the appeal against sentence was dismissed.

- [2] The Appellant subsequently filed a timely notice of appeal against sentence. On 4 July 2017 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in Masirewa -v- The State (CAV 14 of 2008; 17 August 2010) the application to abandon the appeal was listed for hearing before the Court of Appeal. At the hearing the appellant confirmed that his decision to abandon the appeal was made voluntarily. Although he had not received legal advice he confirmed that he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

Orders:

Appeal against sentence is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
PRESIDENT, COURT OF APPEAL

AC

Hon Mr Justice Goundar
JUSTICE OF APPEAL