

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

CRIMINAL APPEAL AAU 43 OF 2017
(High Court HAM 5 of 2017)

BETWEEN : LUKE MACU

Appellant

AND : THE STATE

Respondent

Coram : Calanchini P
Goundar JA

Counsel : Appellant in person
Mr S Vodokisolome for the Respondent.

Date of Hearing : 20 November 2017

Date of Ruling : 14 December 2017

RULING

[1] The Appellant was charged with one count of rape and on 1 March 2017 applied for bail pending trial in the High Court. On 3 March 2017 the learned High Court judge refused bail pending trial.

- [2] The Appellant subsequently filed a timely notice of appeal against the decision refusing bail pending trial. On 28 April 2017 the Appellant filed an application to abandon his appeal against the decision refusing bail 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.
- [4] The Appellant confirmed that his trial has now taken place in the High Court.
- [5] Under the circumstances the application to abandon the appeal against the bail ruling is granted and the appeal is dismissed.

Orders:

Appeal against the bail ruling is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
PRESIDENT, COURT OF APPEAL

[Signature]

Hon Mr Justice Goundar
JUSTICE OF APPEAL