

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

CRIMINAL APPEAL AAU 64 OF 2016
(Magistrates Court No: 1050 of 2010)

BETWEEN : MANASA SALABULA

Appellant

AND : THE STATE

Respondent

Coram : Calanchini P
Chandra JA

Counsel : Mr M Fesaitu for the Appellant
Mr M Vosawale for the Respondent

Date of Hearing : 20 November 2017

Date of Ruling : 14 December 2017

RULING

- [1] The Appellant was convicted by the Magistrates Court at Suva on one count of robbery with violence under the Penal Code. He was sentenced on 27 January 2015 to 6 years imprisonment. A late application to appeal against conviction to the High Court was refused.

- [2] The Appellant subsequently filed a notice of appeal against conviction that was out of time by about 12 months. On 26 April 2017 the Appellant filed an application to abandon his appeal against conviction 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. He confirmed that he had received legal advice and that he understood the consequences in the event that his application were granted.
- [5] Under the circumstances the application to abandon the appeal against conviction is granted and the appeal is dismissed.

Orders:

Appeal against conviction is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
President, Court of Appeal

J. Chandra

Hon Mr Justice Chandra
Justice of Appeal