

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

CRIMINAL APPEAL AAU 124 OF 2015
(High Court HAC 171 of 2014)

BETWEEN : **PITA SEREKI** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Guneratne JA

Counsel : **Ms S Nasedra for the Appellant**
Mr S Vodokisolome for the Respondent

Date of Hearing : **16 November 2017**

Date of Ruling : **14 December 2017**

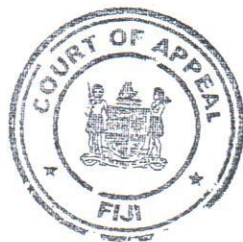
RULING

[1] The Appellant was convicted on 19 September 2014 by the High Court on three counts of rape and sentenced to 10 years imprisonment with a non-parole term of 8 years.

- [2] The Appellant subsequently filed an application for enlargement of time to appeal against conviction and sentence that was out of time by 11 months. On 26 April 2017 the Appellant filed an application to abandon his appeal against conviction and 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. He confirmed that he had received legal advice and that he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal against conviction and sentence is granted and the appeal is dismissed.

Orders:

Appeal against conviction and sentence is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
President, Court of Appeal

Ida Guneratne

Hon Justice Almeida Guneratne
Justice of Appeal