

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

CRIMINAL APPEAL NO. AAU 120 OF 2011
(High Court HAC 30 of 2011)

BETWEEN : DEEPAK SINGH

Appellant

AND : THE STATE

Respondent

Coram : Chandra RJA

Counsel : Appellant absent and unrepresented
Mr. S. Vodokisolomone for the Respondent

Date of Hearing : 23 May 2017

Date of Ruling : 16 June 2017

RULING


- [1] The Appellant was convicted of growing and cultivating illicit drug contrary to S.5(a) of the Illicit Drug Control Act 2004 by the Magistrate Court of Savusavu with extended jurisdiction.
- [2] The Appellant was sentenced to 2 years imprisonment on 11 August 2011.
- [3] The Appellant filed an appeal against sentence by notice of appeal.

- [4] When the application for leave to appeal was called on 17 March 2014 the Appellant was absent and unrepresented and order was made to serve notice on the Appellant personally as it was possible that the Appellant would have been released after serving his sentence.
- [5] On 20 April 2015 when the matter was called again the Appellant was absent and unrepresented and it was noted that the service on the Appellant had not been served. Order was made to have the notice served.
- [6] On 2 March 2016 the Appellant was absent and unrepresented. It was noted that attempts at serving the notice on the Appellant had not been successful and that the Appellant had served his sentence and had been released.
- [7] On 6 June 2016 it was ordered that the matter be called on 31 August 2016 but it had not come up on that date.
- [8] When the matter was called on 23 May 2017 the Appellant was absent and unrepresented.
- [9] The Appellant had not provided a forwarding or contact address. Since 17 March 2014 the Appellant had not made any contact with the Registry and the Registry had not been able to contact the Appellant.
- [10] Under those circumstances the appeal is dismissed as being frivolous in terms of section 35(2) of the Court of Appeal Act.

Order of Court

Leave to appeal is dismissed in terms of section 35(2) of the Court of Appeal Act.





Hon. Justice S. Chandra
RESIDENT JUSTICE OF APPEAL