

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

CRIMINAL APPEAL NO. AAU 116 OF 2016  
(High Court HAC 15 of 2016)

BETWEEN : ABDUL HAKIK  
*Appellant*

AND : THE STATE  
*Respondent*

Coram : Calanchini P  
Chandra RJA  
Rajasinghe JA

Counsel : Mr T. Lee for the Appellant  
Mr S. Vodokisolomone for the Respondent

Date of Hearing : 22 June 2017

Date of Judgment : 20 July 2017

JUDGMENT

- [1] The is an application under Rule 39 of the Court of Appeal Rules for leave to abandon an appeal against the decision of the High Court on 1 August 2016 in the exercise of its appellate jurisdiction.
- [2] The Appellant had been convicted on his plea of guilty in the Magistrates Court on one count of obtaining property by deception contrary to section 317(1) of the Crimes Act 2009. On 10 February 2016 the Appellant was sentenced to 21 months imprisonment.

- [3] On appeal to the High Court in a Judgment delivered on 1 August 2016 the sentence was set aside and a term of 2 years imprisonment imposed with a non-parole term of 16 months with effect from 10 February 2016.
- [4] The Appellant filed an application for leave to appeal against sentence dated 5 September 2016 that was a few days out of time. However on 28 April 2017 the Appellant filed an application to abandon that appeal.
- [5] In accordance with the decision of the Supreme Court in Masirewa –v- The State (CAV 14 of 2008; 17 August 2010) the application was listed for hearing before the Court of Appeal. The Appellant confirmed that his decision to abandon his appeal against sentence was made voluntarily. He also confirmed that he had received legal advice and understood the consequence in the event that his application were to be granted.
- [6] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

Order:

*Appeal against sentence is dismissed.*



*W. Calanchini*

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**Hon. Mr. Justice W D Calanchini**  
**PRESIDENT, COURT OF APPEAL**

*S Chandra*

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**Hon. Mr. Justice S Chandra**  
**RESIDENT JUSTICE OF APPEAL**

*T Rajasinghe*

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**Hon. Mr. Justice T Rajasinghe**  
**JUSTICE OF APPEAL**