

IN THE COURT OF APPEAL, FIJI
ON APPEAL FROM THE MAGISTRATES COURT
Exercising extended jurisdiction

CRIMINAL APPEAL AAU 63 OF 2017
(Magistrates Court No: 835 of 2016 at Suva)

BETWEEN : SALOTE RALUVE *Appellant*

AND : THE STATE *Respondent*

Coram : Calanchini P
Chandra JA

Counsel : Mr K Prasad for the Appellant
Mr R Kumar for the Respondent

Date of Hearing : 27 September 2018

Date of Ruling : 29 October 2018

RULING

Calanchini P

- [1] The appellant was convicted on her plea of guilty in the Magistrates Court at Suva exercising extended jurisdiction of the High Court on one count of acting with intent to cause grievous harm. On 27 March 2017 the appellant was sentenced to 26 months imprisonment. There was no non-parole term fixed.

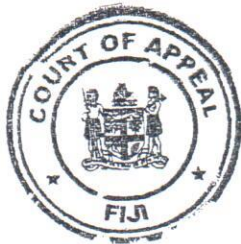
- [2] The Appellant subsequently filed a notice of appeal against conviction and sentence that was out of time by about 14 days. On 7 June 2018 the Appellant filed an application to abandon her appeal against conviction and sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance 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 her decision to abandon the appeal was made voluntarily. She confirmed that she had received legal advice and that she understood the consequences in the event that her application were granted. The appellant informed the Court that she had served her sentence and had been discharged.
- [4] Under the circumstances the application to abandon the appeals against conviction and sentence is granted and the appeals are dismissed.


Chandra JA

- [5] I agree.

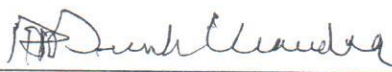
Orders:

Appeals against conviction and sentence are dismissed.





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



Hon Mr Justice S Chandra
JUSTICE OF APPEAL