

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

CRIMINAL APPEAL AAU 128 OF 2015
(High Court HAC 73 of 2012)

BETWEEN : JOHN RAGHWAN
Appellant

AND : THE STATE
Respondent

Coram : Calanchini P
Chandra JA

Counsel : Mr W Mucunabitu for the Appellant
Mr R Kumar for the Respondent

Date of Hearing : 26 September 2018

Date of Ruling : 29 October 2018

RULING

Calanchini P

[1] Following a trial in the High Court at Lautoka the appellant was convicted on one count of rape. On 18 September 2015 he was sentenced to 11 years imprisonment with a non-parole term of 5 years.

- [2] The Appellant subsequently filed a timely notice of appeal against conviction. On 6 June 2018 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. He stated that he was aware of the balance of his sentence that needed to be served.
- [4] Under the circumstances the application to abandon the appeal against conviction is granted and the appeal is dismissed.

Chandra JA

- [5] I agree.

Order:

Appeal against conviction is dismissed.



W. Calanchini

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

S Chandra

Hon Mr Justice S Chandra
JUSTICE OF APPEAL