

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

CRIMINAL APPEAL AAU 0177 OF 2016
(High Court HAM 173 of 2016 at Suva)

BETWEEN : SAULA VUNIVESI *Appellant*

AND : THE STATE *Respondent*

Coram : Calanchini P

Counsel : Appellant in person
Ms P Madanavosa for the Respondent

Date of Hearing : 25 May 2018

Date of Ruling : 25 June 2018

RULING

[1] The appellant was charged with one count of aggravated robbery. On 3 November 2016 he appeared in the High Court at Suva to make an application for bail pending trial. In a written ruling dated 9 November 2016 the High Court refused the appellant's application for bail pending trial.

- [2] On 30 November 2016 the appellant filed a timely application for leave to appeal the ruling refusing bail pursuant to section 21(3) of the Court of Appeal Act 1949 (the Act). For reasons that are not now relevant the appeal was not listed for call-over until 29 September 2017. On that day the appellant appeared in person and requested that his appeal be listed in the next call-over as he expected his trial in the High Court to be listed for hearing in the near future. The trial took place in October 2017.
- [3] As a result the appeal against refusal to grant bail pending trial is now vexatious and is dismissed under section 35(2) of the Act.

Order:

Appeal against refusal to grant bail pending trial is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
PRESIDENT, COURT OF APPEAL