

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

CRIMINAL APPEAL NO. AAU 70 OF 2015
(High Court HAC 349 of 2013)

BETWEEN : **FEROZ JAN MOHAMMED**

Appellant

AND : **FIJI INDEPENDENT COMMISSION**
AGAINST CORRUPTION

Respondent

Coram : **Calanchini P**
Chandra JA

Counsel : **Mr D Toganivalu for the Appellant**
Ms F Puleiwai for the Respondent

Date of Hearing : **20 May 2019**

Date of Ruling : **27 June 2019**

RULING

Calanchini P

[1] Following a trial in the High Court at Suva the appellant was convicted on one count of bribery of public officials, one count of obtaining a financial advantage and one count of perverting the course of justice. On 24 June 2015 the appellant was sentenced to 7 years imprisonment on count 1 and 8 years imprisonment on count 3 to be served concurrently with count 1 and 12 months imprisonment on count 8 to be served concurrently with counts 1 and 3 being a total sentence of 8 years with a non-parole term of 5 years.

- [2] The Appellant subsequently filed a timely notice of appeal against conviction and sentence. On 29 January 2019 the Appellant filed an application to abandon his 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 his decision to abandon the appeal was made voluntarily. Although he had not received legal advice he confirmed that he understood the consequences in the event that his application were granted. He also confirmed that he had been advised of the anticipated date of discharge.
- [4] Under the circumstances the application to abandon the appeal against conviction and sentence should be granted and the appeal dismissed.


Chandra JA

- [5] I agree.

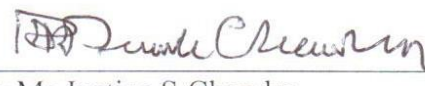
Order:

Appeal against conviction and sentence is dismissed.





Hon Mr Justice W D Calanchini
PRESIDENT, COURT OF APPEAL



Hon Mr Justice S Chandra
JUSTICE OF APPEAL