

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

CRIMINAL APPEAL NO. AAU 109 OF 2018
(High Court HAM 276 of 2018)

BETWEEN : **SAMUELA ROGOKACI BOKADI** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Chandra JA

Counsel : **Ms S Nasedra for the Appellant**
Ms S Kiran for the Respondent

Date of Hearing : **24 September 2019**

Date of Ruling : **25 October 2019**

RULING

Calanchini P

- [1] The appellant appeared in the High Court at Suva on 6 counts of attempted Act with intent to cause grievous harm, four counts of Resisting Arrest and one count of damaging property. On 25 September 2018 the appellant applied for bail pending trial in the High Court. In a Ruling dated 1 November 2018 the High Court refused the application for bail pending trial.

- [2] The Appellant subsequently filed a notice of appeal against the Ruling refusing bail pending trial that was out of time by about 2 months. On 8 April 2019 the Appellant filed an application to abandon his appeal against that Ruling 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.
- [4] It must be noted that at the hearing the appellant initially indicated that he wanted to pursue the appeal. However when it was pointed out that his trial was listed for 18 October 2019 and given the problem of assembling a Court at short notice, the appellant accepted that he had waited until it was too late to change his mind.
- [5] Under the circumstances the application to abandon the appeal against the bail Ruling is granted and the appeal is dismissed.

Chandra JA

- [6] I agree.

Order:

Appeal against the decision refusing bail pending trial is dismissed.



W. Calanchini

Hon Mr Justice W D Calanchini
PRESIDENT, COURT OF APPEAL

S Chandra

Hon Mr Justice S Chandra
JUSTICE OF APPEAL