

IN THE COURT OF APPEAL, FIJI
[On Appeal from the High Court]

CRIMINAL APPEAL NO. AAU 119 of 2022
[In the High Court at Lautoka Case No. HAM 096 of 2022]

BETWEEN : **KELEPI SALAUCA**

Appellant

AND : **THE STATE**

Respondent

Coram : **Prematilaka, RJA**
Qetaki, RJA
Andrée Wiltens, JA

Counsel : **Appellant in Person**
Ms. B. Kantharia for the Respondent

Date of Hearing : **15 May 2025**

Date of Judgment : **29 May 2025**

JUDGMENT

Prematilaka, RJA

[1] I agree.

Oetaki, RJA

[2] I agree that the appeal be dismissed.

Andrée Wiltens, JA

[3] This is an appeal from a decision of the High Court declining to award costs pursuant to sections 150 and 152 of the Criminal Procedure Act 2009 to Mr. Salauca in respect of a prosecution Mr. Salauca considered (i) should not have been brought and (ii) had been unreasonably prolonged. He had been faced with a charge of burglary in July 2016 in Lautoka Criminal Case HAM A96/2022, but the prosecution filed a *nolle prosequi* on 16 May 2022.

[4] At the commencement of the appeal hearing Mr. Salauca expressed surprise at being in Court. He explained he had filed a discontinuance through the Fiji Corrections Service, and that he had thought the matter at an end. The Court file did not reflect a discontinuance having been filed.

[5] Mr. Salauca accordingly completed a Form 3 Notice signifying his abandonment of the appeal.


[6] Mr. Salauca confirmed that his discontinuing with the appeal was entirely voluntary. He advised the Court he had made the decision without the benefit of legal advice, but that he fully understood the consequences if the matter were discontinued. He explained that he was currently serving a sentence of imprisonment, which had recently been confirmed by the Supreme Court. He is appealing the length of his current sentence and he wished to concentrate on that issue – he did not wish to pursue his application for costs.

[7] In the circumstances, the Court allowed Mr. Salauca to abandon his appeal, and accordingly the appeal was dismissed.


Order of the Court:

1. The appeal is dismissed.





The Hon. Mr. Justice Chandana Prematilaka
RESIDENT JUSTICE OF APPEAL



The Hon. Mr. Justice Alipate Qetaki
RESIDENT JUSTICE OF APPEAL



The Hon. Mr. Justice Gus Andrée Wiltens
JUSTICE OF APPEAL

Solicitors:

Appellant in person
Office of the Director of Public Prosecution for the Respondent