

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

**CRIMINAL APPEAL NO. AAU 014 OF 2024**  
**[Lautoka High Court: HAM 012 of 2024]**

**BETWEEN** : **JUSTIN STEVEN MASIH HO**

***First Appellant***

**LOUIE FRANK PENIJAMINI LOGAIVAU**

***Second Appellant***

**AND** : **THE STATE**

***Respondent***

**Coram** : Qetaki, RJA

**Counsel** : Mr. I. Fa (Jnr) for Mr. Iqbal Khan for the Appellants  
Ms. S. N. Shammem for the Respondent

**Date of Hearing** : 27 August, 2025

**Date of Ruling** : 10 September, 2025

## **RULING IN CHAMBERS**

### **(A). Brief Background and History**

[1] The Appellants had instituted this application for review of the bail decision of his Lordship Justice A. Aluthge dated 2 February 2024. The review application was a consequence of the application of the Director of Public Prosecution (DPP) who had applied for review of the bail ruling by the learned Magistrate at Nadi on 30 January 2024.

- [2] The application for review of bail condition by the DPP was heard and the ruling was delivered on the same day, 2 February 2024, allowing the application for bail review by reversing and quashing the ruling dated 30 January 2024. The Appellants were remanded in custody.
- [3] The Appellants had filed an Amended Notice of Appeal and Application for Leave to Appeal against the bail ruling and legal submissions on bail review.
- [4] The DPP had urged the Court to accept that the current application is one of review, by virtue of section 30(4) and (7) of the Bail Act 2002. It is not an appeal.
- [5] The Appellants are charged with multiple counts of Unlawful Possession of Illicit Drugs under the Illicit Drugs Control Act 2004 and Possession of Property Suspected of Being Proceeds of Crime under the Crimes Act 2009. See Criminal Case HAC 022 of 2024.

#### **(B). Hearing of Bail Review Application**

- [6] This matter was First called in this Court on 20<sup>th</sup> June 2024. The matter was brought up for Mention on subsequent occasions since, until a date for the hearing of the application was fixed for Wednesday 27<sup>th</sup> August 2025. On that day, the Appellants were represented by Mr. Fa for Mr. Iqbal Khan & Associates of Lautoka, who had been instructed by Mr. Khan to seek a two-week adjournment. There was also no production order. The Court could not proceed for hearing as a consequence.
- [7] The Appellants had already been convicted of the charges against them after trial at Lautoka, in the Western Division, and had been found guilty as charged in Criminal Case HAC 022 of 2024, and were awaiting sentence. This Court had indicated that it will consider the Appellants' application in light of the conviction already entered against the Appellants and relevant circumstances. That the Court will issue a ruling in Chambers, as appropriate.

#### **Sentencing in Criminal Case HAC 022 of 2024 (Lautoka, Western Division)**

- [8] On 28<sup>th</sup> August 2025, the High Court at Lautoka (per Justice A. Aluthge) delivered Sentence in Criminal Case No. 022 of 2024 in which both the Appellants being 1<sup>st</sup> and

3<sup>rd</sup> Accused respectively, were sentenced by the learned trial Judge on 28<sup>th</sup> August 2025, as follows:

1. First Appellant (1<sup>st</sup> Accused) - Life Imprisonment with a non-parole period of 30 years, and
2. Second Appellant (3<sup>rd</sup> Accused) - 25 years imprisonment with a non - parole period of 18 years.



[9] Given that the nature of the Appellants' application before this Court and their involvement in Criminal Case HAC 022 of 2024 at Lautoka, there is no longer any valid and lawful reason for the Appellants' application before this Court to be kept alive.

### **Conclusion**

[10] In view of the foregoing, the Appellants' application for the review of the bail decision before this Court ought to be dismissed.

### **Order of Court**

1. *The Appellants' application for bail review is dismissed.*

   
**Hon. Justice Alipate Qetaki**  
RESIDENT JUSTICE OF APPEAL

### **Solicitors**

Iqbal Khan & Associates for the Appellants

Office of the Director of Public Prosecutions for the Respondent