

IN THE COURT OF APPEAL, FIJI

[On Appeal from the High Court]

CRIMINAL APPEAL NO. AAU 0118 of 2022

[Suva High Court HAC 8 of 2006]

BETWEEN : **SOLOMONI QURAI**

Appellant

AND : **THE STATE**

Respondent

Coram : **Mataitoga, P**

Counsel : **Appellant in Person**

: **Kumar R for the Respondent**

Date of Hearing : **3 December, 2025**

Date of Ruling : **21 January, 2026**

BAIL RULING

[1] The Appellant [Solomoni Qurai] was convicted and sentenced by the High Court at Suva on 12 March 2007 for the following:

- i) for Murder he was sentenced to life imprisonment without minimum time being imposed by the Court.
- ii) Robbery with Violence – 3 years imprisonment
- iii) Larceny from Person – 12 months imprisonment.

- [2] The trial judge ordered that all the sentences against the appellant was to be served concurrently because they arose from a series of actions on the same night. That means that the appellant would have to serve a life sentence without remission.
- [3] The appellant appealed against his conviction and sentence on 17 May 2009, and the single judge granted his leave application. The Court of Appeal heard the appeal on 6 November 2012 and delivered a judgment, on 8 February 2013 dismissing the appeal against both conviction and sentence.
- [4] The appellant then appealed to the Supreme Court against the decision of the Court of Appeal. **On 29 January 2016 the Supreme Court dismissed the appellants application for special leave and affirmed the decision of the Court of Appeal.**
- [5] Despite the decision of the Supreme Court, the appellant on 5 June 2023 initiated an application for enlargement of time to appeal against sentence in the Court of Appeal. It should be noted that this time the grounds submitted in support of the application for bail were totally new. For the appellant's appeal in the Court of Appeal and Supreme Court, the grounds of appeal advance were: i) that he was not part of a joint enterprise in the commission of the offence and ii) the self-defense was inadequately considered.
- [6] They were not the same grounds for which the earlier sentence was reviewed by the Court of Appeal and affirmed by the Supreme Court, when the appellant had appealed against conviction and sentence.

Bail Application

- [7] This bail application is by a convicted felon who is serving time for crimes committed and for a sentence lawfully passed by the High Court. Both the conviction and the sentence by the High Court was appealed by the appellant to the Court of Appeal and to the Supreme Court and in both instances, the appeal was dismissed. In law that is the end of the 'proverbial road' for the appellant as regards his rights to appeal his

conviction and sentence arising from High Court Case No: HAC 008 of 2006. This also cover interlocutory applications that may arise from the same case.

[8] By Notice of Motion dated 12 November 2025, the appellant notified the court it wants to be heard on the basis that the appellant be “***granted bail pending pursuant to section 15(1) of the Court of Appeal Act and section 17 (3)(i)(ii)(iii) and Rules 17 and 18 of the Court of Appeal Rules.***” [Bold in caps taken from Motion Filed]. The reference to the Court of Appeal Act is incorrect.

[9] On 25 November 2025 the court registry received further submissions from the appellant.

Section 17(3) of the Bail Act

[10] Section 17(3) of the Bail Act states:

“s17 (3) When a court is considering the granting of bail to **a person who has appealed against conviction or sentence** the court must take into account–

- (i) the likelihood of success in the appeal;
- (ii) The likely time before the appeal hearing;
- (iii) The proportion of the original sentence which will have been served by the applicant when the appeal is heard.

[11] Section 17(3)(iii) of the Bail Act is for appellants who has appealed against conviction or sentence which is pending in the appellate courts. The facts in this case, is that the appellant has no appeal pending in the court. Therefore, to seek bail pending appeal is misleading and frivolous.

[12] As the facts stands today, in the absence of any appeal against conviction and/or sentence pending in this court, the bail application is misconceived and frivolous. When the Supreme Court refused the appellant’s special leave application and

affirmed the judgement of the Court of Appeal, in which the latter court confirmed the trial judge's conviction and sentence, that was the end of the matter for the appellant.


[13] The Supreme Court judgement was dated 29 January 2016. From that date onward no interlocutory applications may be entertained by any Court in Fiji arising from High Court Criminal Case No: HAC 008 of 2006.

[14] The Bail Pending appeal application in this matter has no basis in law and frivolous. It is dismissed.

ORDER:

1. Application for Bail Pending Appeal is misconceived and frivolous. The application is dismissed.





Hon. Justice Isikeli U. Maitaitoga
PRESIDENT, COURT OF APPEAL