

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CRIMINAL JURISDICTION**

**Judicial Review No. HBJ 7 of 2016**

**ISAIA BOBO**  
**[Applicant]**

vs.

**JUSTICE DE SILVA**  
**[Respondent]**

**Date of Ruling** : 10 February, 2017

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**R U L I N G**

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- [1] The Applicant makes application for leave to appeal the decision of de Silva J. to overturn a not guilty finding of two of three assessors after the applicant's trial for two counts of aggravated robbery, one count of assault occasioning actual bodily harm and theft of a motor vehicle.
- [2] The learned Judge on the 13<sup>th</sup> April 2015 in rejecting the majority assessors' opinion found the accused/applicant guilty on all counts and subsequently sentenced this applicant to a term of imprisonment.
- [3] He deposes that his rights to a fair trial were breached and seeks:

- i) an order of certiorari to quash the decision;
- ii) a declaration that the learned Judge acted unfairly; and in abuse of his judicial discretion;
- iii) damages.

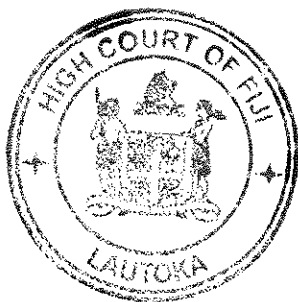
[4] He further claims that the learned Judge ordered the conviction without hearing from the accused/applicant. an action again in breach of his constitutional rights.

**ANALYSIS**

[5] This application for leave is both ill-conceived and frivolous. If it is to be seen as an application for constitutional redress in is nearly two years out of time and therefore cannot be entertained.

[6] If it is an application for leave for judicial review, it has no basis in civil law. This court is not amenable to a claim for judicial review. An aggrieved convict has recourse to the many faceted avenues of appeal set out in the Criminal Procedure Decree 2012 and in the Court of Appeal Act, Chapter 12.

[7] The application being without foundation and without merit is frivolous. Leave to review is dismissed.



*Paul K. Madigan*  
**Paul K. Madigan  
Judge**

**At Lautoka**  
5 February, 2017