

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

**Case No. HBM 17 of 2016**

**GUSTON FREDERICK KEAN**

**[Applicant]**

vs.

**DIRECTOR OF PUBLIC PROSECUTIONS**

**[1<sup>st</sup> Respondent]**

**&**

**ATTORNEY GENERAL OF FIJI**

**[2<sup>nd</sup> Respondent]**

**&**

**SOLICITOR GENERAL**

**[3<sup>rd</sup> Respondent]**

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

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**R U L I N G**

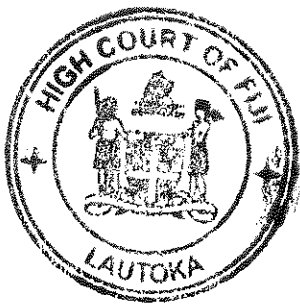
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- [1] The applicant makes application for Constitutional Redress pursuant to section 44(1) of the Constitution of the Republic of Fiji 2013.
- [2] He claims that the refusal of the Legal Aid Commission to act for him in civil proceedings against the Commissioner of Police breaches his right to legal aid enshrined in section 15(10) of the Constitution.

- [3] Without discussing the merits of the application it was filed out of time.
- [4] The High Court (Constitutional Redress) Rules 2015 provide by section 3(2) as follows:

*"3(2) An application ... must not be admitted or entertained after 60 days from the date when the matter at issue first arose unless a Judge finds there are exceptional circumstances and that it is just to hear the application outside of that period."*

- [5] The Legal Aid Commission first rejected the applicant's application on 2 July 2016 for lack of merit. This rejection was subsequently endorsed by the Legal Aid Commission Board.
- [6] This application for redress was filed in the Registry of this Court on 22 September 2013 more than 60 days after the applicant was first notified of the refusal of Legal Aid.
- [7] The refusal being on the basis of legal merit, it cannot be said that there are exceptional circumstances or the interest of justice to hear this late application.
- [8] The Application is refused.



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

**At Lautoka**

10 February, 2017