

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

**Constitutional Redress Application HBM 29 of 2016**

**SEREVI VANANALAGI**

**[Applicant]**

vs.

**DIRECTOR OF PROSECUTIONS**

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

**&**

**ATTORNEY GENERAL OF FIJI**

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

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

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**R U L I N G**

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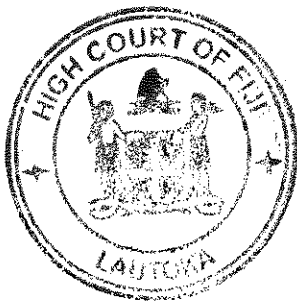
- [1] By way of Notice of Motion and accompanying Affidavit, the Applicant purports to apply for Constitutional Redress pursuant to section 44(1) of the Constitution of the Republic of Fiji 2013 ("the Constitution").
- [2] In his unsworn affidavit, the applicant deposes that he was in September 2011 convicted by a Judge sitting in Suva of robbery with violence, resisting arrest and unlawful use of a motor vehicle. This conviction in

spite of a unanimous finding of not guilty on all three counts by a panel of three assessors.

- [3] After trial the applicant unsuccessfully appealed to the Court of Appeal.
- [4] Apart from the fact that a Judge is legally able to reject the opinions of the assessors, this application is out of time by more than 5 years. Section 3(2) of the High Court (Constitutional Redress) Rules 2015 states as follows:

“(2) An application under paragraph (1) (*an application for redress*) must not be admitted or entertained after 60 days from the date when the matter at issue first arose.”

- [5] Being out of time and being unarguable in law the application is dismissed.



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

**At Lautoka**

10 February, 2017