

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CONSTITUTIONAL JURISDICTION

Application Nos. HBM 19 of 2016

PITA TOKONIYAROI

[Applicant]

vs.

COMMISSIONER OF POLICE

[1st Respondent]

&

COMMISSIONER FOR CORRECTIONAL SERVICES

[2nd Respondent]

&

DIRECTOR OF PUBLIC PROSECUTIONS

[3rd Respondent]

&

THE ATTORNEY GENERAL

[4th Respondent]

&

THE SOLICITOR GENERAL

[5th Respondent]

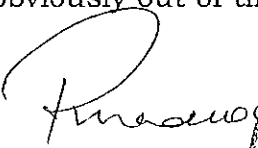
Date of Ruling : 23 February 2017

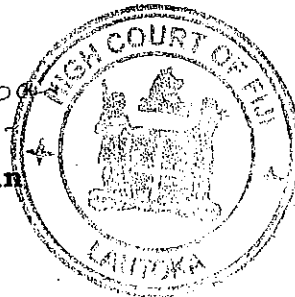
R U L I N G

- [1] By way of Notice of Motion and accompanying affidavit, the applicant applies for constitutional redress for improprieties at the hands of the Police and for an unfair trial subsequent to his arrest on the 19th November 2000.
- [2] He deposes in his Affidavit that he has been twice to the Court of Appeal and once to the Supreme Court but is still aggrieved.
- [3] The application is dated 13 February 2016 and the Affidavit is dated 28 January 2016. It was originally filed in the High Court in Suva but has been transferred to this Court.
- [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.”

- [6] This application is obviously out of time by over 16 years and it is dismissed.


Paul K. Madigan
Judge



At Lautoka
23 February 2017