

IN THE HIGH COURT OF FIJI AT SUVA

In the matter of an application for
constitutional redress

[CIVIL JURISDICTION]

JEKOPE USA

Applicant

CASE NO: HBM 52 of 2020

v

[Not named]

Decided on: 27 March 2020

ORDER
(Made in Chambers)

1. This is an application for judicial review filed on 28/11/19. The applicant had been convicted on one count of aggravated robbery and was sentenced on 04/07/16 to 10 years imprisonment with a non-parole period of 8 years.
2. Though the application also refers to the ruling of the single judge of appeal dated 25/09/17 where leave to appeal against the aforesaid conviction was refused by the Court of Appeal, the main relief sought is an order of *certiorari* against the conviction entered by the Learned Magistrate.
3. An application of this nature should be made within 3 months from the date of proceeding in view of Order 53, Rule 4(2) of the High Court Rules 1988. It is clear


that there is a substantial delay in filing this application, a delay of about 3 years. In my view, on the face of it, granting of relief in this case would be detrimental to good administration given the substantial delay.

4. Moreover, having perused the documents filed in this case including the ruling of the single judge of appeal dated 25/09/19 in AAU081 of 2016, I do not find material that would warrant an order of certiorari to remove the relevant conviction entered by the Magistrate, to be issued.
5. Given the above circumstances and the provisions of Order 53, Rule 3(3)(b) of the High Court Rules 1988, I consider it unnecessary to hear and determine this matter *inter partes*. The said rule provides thus;

(b) The Court may determine the application without a hearing and where a hearing is considered necessary the Court shall hear and determine the application inter partes.

6. Having considered the material placed before the court in this case, I hereby refuse to grant leave to proceed with this application pursuant to Order 53, Rule 4(1) of High Court Rule 1988 and this application is dismissed accordingly.
7. The Registrar shall take steps to serve a copy of this order on the applicant pursuant to Order 52, Rule 3(3)(d) of the High Court Rules 1988.




Vinsent S. Perera
JUDGE