

IN THE HIGH COURT OF FIJI
AT LAUTOKA
[CRIMINAL JURISDICTION]

CRIMINAL CASE NO: HAC 302 OF 2019

BETWEEN : STATE

AND : SENITIELI PUAMAU

Counsel : Ms K Semisi for the State
Mr E Radio for the Accused

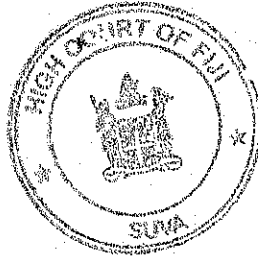
Date of Hearing : 26 May 2020

Date of Ruling : 26 May 2020

RULING

- [1] The State seeks to enter a Nolle Prosequi after hearing the complainant's evidence.
- [2] The defence objects to the Nolle Prosequi.
- [3] The power to enter a Nolle Prosequi is within the discretion of the Director of Public Prosecutions. The courts have no power to question the exercise of that prosecutorial discretion in the absence of bad faith or fraud. There is no suggestion that the Director is acting in bad faith or fraudulently to enter the Nolle Prosequi in this case. There is no legal basis to question the prosecutorial discretion to enter Nolle Prosequi in this case.
- [4] The Defence objection is overruled and the Nolle Prosequi is allowed. The proceedings are terminated and the Accused is discharged. The Accused is dispensed with all his bail conditions.

[5] The assessors are formally discharged.



A handwritten signature in black ink, appearing to be "D. Goundar", is written above a horizontal dotted line.

Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State
Legal Aid Commission for the Accused