

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

**MISCELLANEOUS CASE NO. HAM 85 OF 2019**

**BETWEEN** : **ASHWIN CHAND** - *Applicant*

**AND** : **STATE** - *Respondent*

*Counsel* : *The Applicant appears in Person*  
*Ms. Uce R. for the Respondent*

*Date of Hearing* : *08/07/2020*  
*Date of Ruling* : *22/07/2020*

**RULING on - STAY OF PROCEEDINGS**

1. The applicant by his application dated 02<sup>nd</sup> of July 2019 seeks an order from this Court to permanently stay the proceedings against him, in Case Number 962/19, pending in the magistrate Court of Nadi. This Court having duly seized of the matter, has issued notice on the named Respondent, the State. Though production orders issued from time to time, the applicant was not produced in court. Therefore, the efforts to bring the applicant before this court have been futile. In consideration of the merits of this application, state made submissions in writing and I have considered the application of the applicant and the submissions by the state in full.
2. The applicant alleges that he has been detained for more than 48 hours by the police without producing before a magistrate and thereby his constitutional rights were violated and seeks a stay of proceedings order for the above numbered case pending against him at the Nadi Magistrates' Court.

3. It is unclear, the basis on which the applicant seeks a stay of proceedings order from this court. If his constitutional rights were violated he should seek remedy in a different forum. Even assuming his constitutional rights were violated by extended period held in custody; that would have no bearing upon the trial to be held against him in the Nadi Magistrates' Court.
  
4. Therefore I find this application to be frivolous and baseless. Therefore this application is dismissed.



**Chamath S. Morais**  
**JUDGE**

AT LAUTOKA  
This 22<sup>nd</sup> July 2020

**Solicitors** : ***The Applicant appeared in person***  
: ***Director of Public Prosecutions, Lautoka for the Respondent***

**cc:** : ***Magistrate, Magistrate's Court, Nadi***