

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

CRIMINAL APPEAL NO. HAA 010 OF 2023
[Suva Magistrates Court CF No: 061/18]

BETWEEN : **TEVITA QAQANIVALU**
APPELLANT

AND : **STATE**
RESPONDENT

Date of Judgment : **10 March 2023**

JUDGMENT

- [1] The appellant is a serving prisoner. He was charged with assault causing actual bodily harm to a fellow inmate. He pleaded not guilty to the charge and the trial proceeded in the Magistrates' Court.
- [2] On 3 December 2019, the learned trial magistrate acquitted the appellant after the close of the prosecution case.
- [3] Three years later, on 17 January 2023, the High Court Criminal Registry received a notice of leave to appeal against the decision of the Magistrates' Court by the appellant, claiming he was not acquitted of the charge.
- [4] In her ruling the learned Magistrate said:

Therefore this Court finds that Prosecution has failed to prove a prime facie case against the Accused. This Court finds that there is no case to answer and acquits the Accused of all charges.

- [5] The appellant's contention that he was not acquitted of the charge is clearly erroneous. In her written ruling, the learned magistrate had expressly acquitted the appellant of the charge after the close of the prosecution case.
- [6] This notice of leave to appeal is frivolous and vexatious.
- [7] The appeal is summarily dismissed in the exercise of the inherent jurisdiction of the Court.



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Hon. Mr Justice Daniel Goundar

Solicitors:

Office of the Director of Public Prosecutions for the State
Appellant in person