

IN THE HIGH COURT OF FIJI

AT SUVA

APPELLATE JURISDICTION

CRIMINAL APPEAL NO: HAA 022 OF 2025

BETWEEN : **ANASA MASI**

APPELLANT

AND : **STATE**

RESPONDENT

Date of Judgment : **3 July 2025**

JUDGMENT

(Summary Dismissal of Appeal)

- [1] On 22 January 2025, Anasa Masi (the Appellant) was sentenced to 1 year and 11 months' imprisonment after he pleaded guilty to a charge of Unlawful Possession of 2,638 grams of marijuana in the Magistrates' Court at Suva.
- [2] On 8 May 2025, he submitted a petition to appeal his sentence to Fiji Corrections Service for it to be forwarded to the High Court. The Office of the Chief Registrar received the petition on 23 May 2025. The appeal is late by approximately 3 months.
- [3] The main complaint is against the severity of the sentence.
- [4] On 2 July 2025, the High Court received a certified copy of the Magistrates' Court records in this case. The records serve an important purpose when considering the summary dismissal of appeal pursuant to section 251 of the Criminal Procedure Act.

[5] Section 251 of CPA states:

251 – (1) When the High Court has received the petition of appeal and the record of proceedings, a judge shall consider the petition.

(2) Where an appeal is brought on the grounds that-

(a) the decision is unreasonable; or

(b) the decision cannot be supported having regard to the evidence; or

(c) the sentence is excessive-

and it appears to the judge that the evidence is sufficient to support the conviction and that there is no material in the circumstances of the case which could raise a reasonable doubt whether the conviction was right or lead to the opinion that the sentence ought to be reduced, the appeal may be summarily dismissed by an order of the judge certifying that the judge had perused the record and is satisfied that the appeal has been lodged without any sufficient ground of complaint.

(3) Whenever an appeal is summarily dismissed, notice of the dismissal shall be given by the Chief Registrar of the High Court to the Appellant or the Appellant's lawyer.

[6] I have considered the sentencing remarks of the learned Magistrate.

[7] The nature and circumstances of the offence are serious. The Appellant was caught transporting the illicit drugs from Kadavu to Suva on a public transport vessel, the Lomaiviti Princess on the eve of Christmas in 2024. The drugs were concealed inside a suitcase. He was apprehended with the help of a K9 unit. The Appellant was cautioned and arrested. He admitted to the offence.

- [7] The Appellant pleaded guilty to the charge at the first opportunity. He is 39 years old and unemployed. He has a long list of previous convictions under the name Anasa Masiradia for property related offences.
- [8] The learned Magistrate took into account the maximum sentence of life imprisonment prescribed for the offence, as well as the guideline judgment of *Kaitani v State* [2024] FJSC 50; CAV011.2023 (29 October 2024) by the Supreme Court when sentencing the Appellant. She made appropriate adjustments to the sentence to reflect the aggravating and mitigating factors, including the Appellant's guilty plea and remand period, before arriving at a term of 1 year and 11 months' imprisonment.
- [9] I am satisfied that there is no material in the circumstances of this case which could lead to the conclusion that the sentence ought to be reduced. The appeal is bound to fail.
- [10] The appeal is summarily dismissed pursuant to section 251 of the Criminal Procedure Act.
- [11] The Registry is to serve the Appellant and the Office of the Director of Public Prosecutions with a copy of this judgment.



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Hon Mr Justice Daniel Goundar

Solicitors:

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