

IN THE SUPREME COURT OF FIJI

Appellate Jurisdiction

Criminal Appeal No. 6 of 1980

JONE MATEYAWA

Appellant

v.

REGINAM

Respondent

Appellant in person

Mr. M. Raza for the Respondent

JUDGMENT

The appellant was convicted by the Magistrates Court Nausori of larceny from the person contrary to section 303 of the Penal Code and was sentenced to fifteen months' imprisonment. He appeals against his conviction on several grounds which together amount to one general ground that the evidence of identification was insufficient and unreliable.

The alleged offence occurred at 4.30 p.m. outside the Empire Theatre at Nausori while the complainant Latchman s/o Shiu Narayan was looking at the advertised programme. He had just taken out a \$5 note from his trousers pocket and placed it inside his shirt pocket.

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The appellant, according to Latchman, walked to him and pulled out the \$5 note. Before the complainant could inform the police he ran away.

The appellant who was unrepresented did not cross-examine Latchman at all and his evidence remained unchallenged. A boy Samisoni who was also outside the theatre at the time saw the incident and recognised the appellant. It was he who later led the police to him. His evidence also remained unchallenged at the trial.

In view of this evidence which was accepted by the learned Magistrate he was quite entitled to reject the appellant's evidence that he had not been anywhere near the Empire Theatre at the relevant time. I cannot find any substance in the ground put forward by the appellant and his appeal is therefore dismissed.

( G. Mishra )  
JUDGE

Suva,

18th February 1980