

125

IN THE SUPREME COURT OF FIJI
Appellate Jurisdiction
CRIMINAL APPEAL NO. 117 OF 1980

000121

Between:

ASIVOROSI TITOKO

APPELLANT

- and -

REGINAM

RESPONDENT

Appellant in person.

Mr. R. Lindsay for the Respondent.

J U D G M E N T

The appellant was on the 22nd October 1980 convicted by the Magistrate's Court, Suva of three offences, namely unlawful use of motor vehicle contrary to section 325 of the Penal Code, Driving a motor vehicle without a driving licence, contrary to sections 23(1) and 85 of the Traffic Ordinance and driving an uninsured motor vehicle contrary to section 4(1) and (2) of the Motor Vehicle (Third Party Insurance) Ordinance.

He was sentenced to 6 months imprisonment on the first count and 3 months on each of the other two counts to be served concurrently with the first sentence.

He appeals against convictions and sentences and in a long letter addressed to the Honourable the Chief Justice he seeks to raise 9 grounds of appeal which are in fact criticisms of the evidence given by prosecution witnesses.

I have perused the Record. The Appellant was recognised by two persons either driving or sitting behind the wheel of a car that had been stolen on the

night in question. One of these witnesses picked out the appellant at an identification parade. The other witness a woman did not attend the parade a fact that the appellant complains about. In her evidence she gave detailed evidence as to her knowledge of the accused which clearly made an identification parade unnecessary. The Magistrate believed these witnesses.

The appellant gave evidence on oath in the course of which he attempted to set up an alibi which the Magistrate considered and quite properly rejected. The appellant admitted he had no driving licence or any certificate of insurance.

The appellant has a long history of prior convictions.

There is no merit in this appeal against convictions and sentences.

The appeal is dismissed.

R.G. Kermode
(R.G. KERMODE)
J U D G E

SUVA,

(9) FEBRUARY, 1981.