IN THE SUPREME COURT OF FIJI
AT SUVA
APPELLATE JURISDICTION

CRIMINAL APPEAL NO: CAV00012/2013
on appeal from Court of Appeal Decision AAU0066/12 [High Court HAC27 of 2009]

BETWEEN: **LAISENIA QARASE**

Petitioner

AND: **FIJI INDEPENDENT COMMISSION AGAINST CORRUPTION**

Respondent

Coram: **The Hon. Chief Justice Anthony Gates, President of the Supreme Court**
The Hon. Mr. Justice Sathyaa Hettige, Judge of the Supreme Court
The Hon Mr. Justice Prabaharan Kumararatnam, Judge of the Supreme Court

Counsel: **Ms T. Draunidalo for the Petitioner**
Mr. M.F. Aslam for the Respondent

Date of Hearing: **Tuesday 1st April 2014**

Date of Judgment: **Tuesday 1st April 2014**

JUDGMENT

Chief Justice Anthony Gates, President

[1] The petition for special leave was listed for hearing today before the Full Court. However on 18th March 2014, the Petitioner's solicitors had written to the Registrar giving notice that the Petitioner wished to withdraw the appeal.

[2] Notice of withdrawal was given pursuant to Rule 18(1) of the Supreme Court Rules. The Respondent was also given notice of the intention. This was important since timely notification would avoid the incurring of unnecessary costs by the Respondent for the engagement of the services of Senior Counsel from overseas. Accordingly Respondent's counsel informed the court, that the Commission would not be seeking costs. Timely notification had avoided that cost.

[3] We asked the Petitioner's counsel to confirm that in seeking to withdraw the petition, she was acting on her client's instructions, that there had been full discussion prior to such decision, and that she was satisfied that the decision taken to withdraw had been the Petitioner's own voluntary and deliberate decision to do so.

[4] Ms Draunidalo confirmed that this was so. The Petitioner was sitting in court behind his counsel following the proceedings at the time of this exchange.

[5] The procedure followed here was in substantial compliance with that favoured in *Jone Masirewa v. The State* CAV0014 of 2008S, 17th August 2010. Of course in this case, the Petitioner is represented by counsel of some seniority, and the Petitioner himself is a sophisticated person, indeed a former senior civil servant and a Prime Minister, who can be taken by the Court to know what he is doing.

[6] In this case, it is not relevant to know, nor did the court ask, the reason for the withdrawal.

[7] The final orders of the court are:

(i) Leave granted for withdrawal and thus abandonment of the appeal.

(ii) Petition for special leave dismissed.

(iii) By consent, no order for costs.

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Hon. Chief Justice Anthony Gates
President of the Supreme Court

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Hon. Mr. Justice Sathyaa Hettige
Judge of the Supreme Court

SUPREME COURT OF FIJI
SUVA

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Hon. Mr. Justice Prabaharan Kumararatnam
Judge of the Supreme Court

Solicitors for the Petitioner: Messrs. Pillai Naidu & Associates
Solicitors for the Respondent: Fiji Independent Commission Against Corruption

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