

**IN THE SUPREME COURT OF FIJI**  
**APPELLATE JURISDICTION**

**CRIMINAL PETITION NO. CAV 33 of 2022**  
**Court of Appeal No. AAU 85 of 2016**

**BETWEEN:**            **SUDESH ANAND KISHORE**

*Petitioner*

**AND:**                 **THE STATE**

*Respondent*

**Coram:**                **The Hon. Justice William Calanchini**  
**Judge of the Supreme Court**

**The Hon. Justice William Young**  
**Judge of the Supreme Court**

**The Hon. Justice Isikeli Mataitoga**  
**Judge of the Supreme Court**

**Counsel:**             **Petitioner in person**  
**Mr A. Singh for Respondent**

**Date of Hearing:**    **12 June 2024**

**Date of Judgment:** **27 June 2024**

**JUDGMENT**

**Calanchini, J**

[1] I agree.

**Young, J**

[2] I agree.

**Mataitoga, J**

[3] The petitioner Sudeshwar Kishore by a letter filed in the Court Registry on 28 September 2022, submitted his Petition for Special Leave. The petition for special leave is against conviction.

[4] The sole ground submitted in support of the petition is:

*'(i) Conviction*

*I desire that the dismissal of appeal be considered and determined by the Supreme Court.'*

[5] There are no other submissions accompanying this ground of appeal. The Respondent has filed submission based on the grounds submitted by the petitioner to the Court of Appeal. This is inadequate to proceed to hearing.

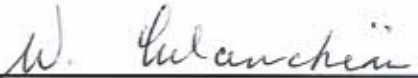
[6] I have briefly reviewed the Court Registry File on this matter as regards the petitioner's appeal to the Court of Appeal. There was no submission from the respondent and no information on the file as to the reasons for that.

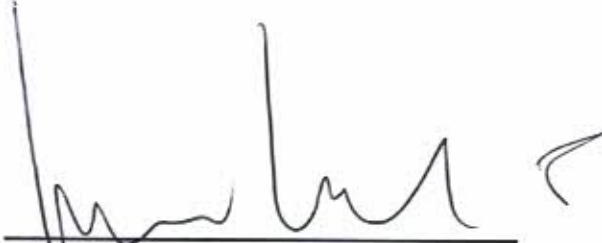
[7] On the basis of the grounds of appeal submitted by the Legal Aid Commission [LAC] to the Court of Appeal, the judgment of that Court, and in fairness to the petitioner who is unrepresented, I would remit this petition for Special Leave be called for mention before the Acting Chief Justice for further review of the grounds and if need be, for listing for a later session of the Court.

[8] The court will instruct the LAC to assist the petitioner in preparing ground(s) of appeal and have it filed in the Court Registry serve copies to the respondent. They should also appear for the petitioner, if possible, at the hearing of the Special Leave hearing in October 2024.

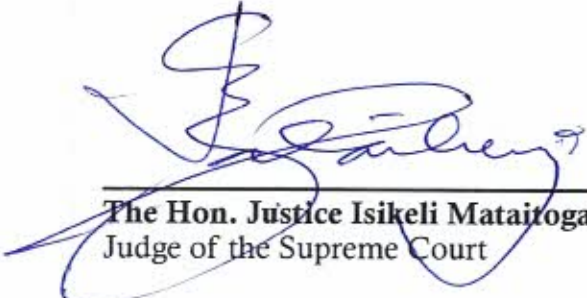
[9] In light of the above I make the following ORDERS:

- (i) This Special Leave application is remitted to be called for mention before the Acting Chief Justice for directions as regards preparation of grounds for appeal;
- (ii) The Legal Aid Commission is instructed to assist the Court and the petitioner in drafting grounds of appeal that addresses the threshold criteria in section 7(2) of the Supreme Court Act 1998 and filed the same in the Court Registry.
- (iii) The Court Registry staff must ensure that once the grounds for the petition is filed that it is served on the respondent and their response submission filed with 14 days thereafter.

  
**The Hon. Justice William Calanchini**  
Judge of the Supreme Court

  
**The Hon. Justice William Young**  
Judge of the Supreme Court



  
**The Hon. Justice Isikeli Mataitoga**  
Judge of the Supreme Court