

IN THE SUPREME COURT OF FIJI
[APPELLATE JURISDICTION]

CRIMINAL PETITION NO. CAV 0032 of 2022
[Court of Appeal No. AAU 103 of 2016]

BETWEEN : **PRADEEP KUMAR** *Petitioner*

AND : **THE STATE** *Respondent*

Coram : **The Hon. Justice Salesi Temo, Acting President of the Supreme Court**
The Hon. Justice Lowell Goddard, Judge of the Supreme Court
The Hon. Justice Isikeli Mataitoga, Judge of the Supreme Court

Counsel : **Petitioner in person**
: **Ms. K. Semisi for the Respondent**

Date of Hearing : **11 June 2024**

Date of Judgment : **27 June 2024**

JUDGMENT

Temo, AP

1. I agree entirely with Hon. Justice Goddard's judgment and order.

Goddard, J

2. Following a trial before a judge and 3 assessors, the petitioner was convicted on 4 counts of rape of a 16 year old girl. The victim was related to the petitioner's wife and at the time of the offending she was living with the petitioner and his family. At the conclusion of the trial, the assessors returned unanimous opinions of guilt with which the trial judge agreed in a reasoned judgment. The petitioner was duly convicted and sentenced to a term of imprisonment of 12 years with a non-parole period of eight years imprisonment. Sentence

was passed on 20 July 2016. The petitioner is now due for release next month, on 20 July 2024.

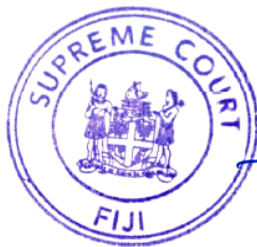
3. At his appearance before the Supreme Court this morning the petitioner appeared in person and sought the leave of the Court to abandon his petition for special leave to appeal. He advised that legal aid counsel would not be representing him and that he did not wish to proceed further with his petition and he wished to abandon it.
4. When questioned about this decision and whether it was made of his own free will and was not the result of any pressure applied to him, the petitioner confirmed that he had given serious consideration to his decision not to proceed with his petition. It was his wish to abandon the petition: *Masirewa v State* [2010] FJSC 5; CAV0014.2008S (17 August 2010).

Mataitoga, J

5. I agree.

Order of the Court:

1. *Special leave to appeal is refused and the petition is dismissed.*




The Hon. Justice Salesi Temo
ACTING PRESIDENT OF THE SUPREME COURT


The Hon. Justice Lowell Goddard
JUDGE OF THE SUPREME COURT


The Hon. Justice Isikeli Mataitoga
JUDGE OF THE SUPREME COURT

Solicitors:

Petitioner in person
Office of the Director of Public Prosecution for the Respondent