

IN THE FIJI COURT OF APPEAL
Appellate Jurisdiction
Criminal Appeal No. 24 of 1985.

Between :

NAVITALAI QALI

Appellant

- and -

R E G I N A M

Respondent

Appellant in person.
Mr. G.E. Leung for the Respondent.

Date of Hearing : 24th June, 1985.

Delivery of Judgment: 24th June, 1985.

JUDGMENT OF THE COURT

Speight, VP (Orally)

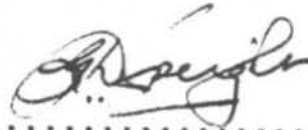
When two joint offenders have been sentenced it is of importance for the Court to compare their sentences because it is well recognized that gross disparity is a valid ground for an appellant to advance.

The present appellant complained that his co-offender who had been sentenced at a later date by the same Judge had a list of criminal convictions which was comparable with his own and was an older man. We have had Mr. Leung make enquiries. We are advised that contrary to what was put forward the other offender has a much smaller list of previous convictions including only three for dishonesty and unlike this appellant he had committed no serious crime for more than two years before the offence. We think that the distinction between

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the two sentences imposed of 4 years as against 2 years is substantial but there is a sufficient explanation and the defence is not so great as to call for variation by the appellate court.

Appeal dismissed.



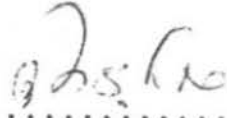
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Vice-President



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Judge of Appeal



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Judge of Appeal