

IN THE FIJI COURT OF APPEAL
Criminal Appeal No. 81 of 1987

Between:

SUBHASH CHAND s/o Gammu Maharaj

Appellant

- and -

THE STATE

Respondent

Appellant in person.
Mr. I. Mataitoga for the Respondent.

Date of Hearing: 23rd August, 1988

Delivery of Judgment: 6th September, 1988

JUDGMENT OF THE COURT

The appellant (who was the second accused) and the first accused (who has not appealed) were indicted together in the Court below on eleven counts of various offences including burglary, unlawful use of motor vehicles, larceny, house and office breaking.

The appellant was found guilty on counts 4, 5, 8, 10 and 11 and was sentenced to 6 months imprisonment, 6 months imprisonment, 3 years imprisonment, 4 years imprisonment and 4 years imprisonment respectively - all sentences to run concurrently.

The appellant has appealed against conviction on several grounds. He also handed in at the hearing of this appeal additional grounds of appeal. Being a layman's draft some of these grounds overlap. The appellant's main ground of grievance seem to be that the confessional statements to the police were obtained from him by the

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application of force and threats by the police. He also complains that the witnesses who gave evidence on his behalf were wrongly disbelieved. He has also appealed against sentence and his complaint is that the learned trial Judge has really punished him for his previous convictions and not for the present conviction.

He complained of physical assaults and threats by the police while he was in police custody when his caution statements and charge statements were recorded by the police.

The learned Chief Justice conducted a trial within a trial and was of the view that the recorded statements of the accused were freely given indicating his belief that there was no merit in the accusations against the police. Having perused the evidence we are of the view that the statements were properly admitted.

It is settled law that a voluntary confession of guilt is sufficient to warrant conviction without any corroborative evidence. However in this case— apart from the confessional statements there was additional evidence to support the convictions. Certain articles which belonged to the individuals whose houses were burgled or robbed were found in the appellant's house in incriminating circumstances.

On the issue of sentences we are of the view that the sentences imposed on him to be fair.

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We see no merit in the complaint of the appellant either against his conviction or sentence.

We therefore dismiss the appeal.

W. H. ...
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Justice of Appeal

W. G. ...
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Justice of Appeal

[Signature]
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Justice of Appeal