

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL AAU0034/2002S  
(High Court Criminal Appeal No. HAA0049/2002S)

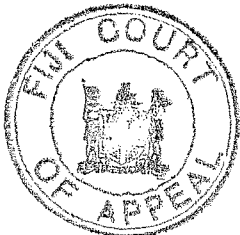
BETWEEN: VINOD PRASAD *Appellant*

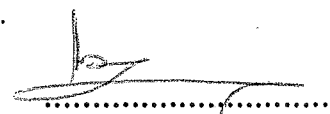
AND: THE STATE *Respondent*

APPLICATION FOR LEAVE TO APPEAL

1. On the 16<sup>th</sup> of April 2002, the Appellant was sentenced to two years' imprisonment by the Magistrates' Court, Nausori for Obtaining Money by False Pretence.
2. Being aggrieved by that sentence, the Appellant appealed to the High Court. His appeal was dismissed by Shameem J. on the 14<sup>th</sup> of June 2002.
3. The Appellant now seeks leave to appeal to this Court against the sentence imposed by the Magistrate and affirmed by the High Court.
4. The purported Petition of Appeal is dated 8<sup>th</sup> August 2002. It is therefore out of time. I will treat the Appellant's letter dated 8<sup>th</sup> August 2002 as an application for leave to appeal out of time. The Appellant says that his earlier Petition made within "28 days was lost by Prison Administration". I grant him leave.
5. The Appellant tricked a young woman into parting with \$5,000, of her money by falsely pretending that he would show the money to the Australian High Commission in order to obtain a visa for the complainant to travel to Australia. The money was not recovered.
6. The purported appeal is a second appeal, and it does not allege any error of law by the learned Judge. It is therefore incompetent. It is also frivolous and vexatious and bound to fail. The appeal is dismissed under Section 35(2) of the Court of Appeal Act.

Dated at Suva this <sup>SJK</sup> September, 2002.



  
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Jai Ram Reddy  
President