

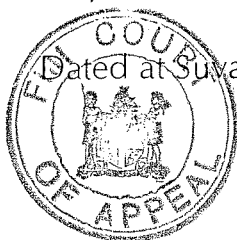
IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL NO. AAU0040/2002S  
(High Court Criminal Appeal No. HAA0038 of 2002L)

BETWEEN:                      ATIL SHARMA                      Appellant  
AND:                              THE STATE                              Respondent

APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

1. On the 1<sup>st</sup> of February 2002, in the Magistrates' Court at Lautoka the Appellant pleaded guilty to obtaining \$1575.00 from one Irene Madhu Lata on the 5<sup>th</sup> of January 2001, by false pretence.
2. He was convicted on his plea. The learned Magistrate heard the Appellant in mitigation, and sentenced him to 2 years imprisonment consecutive to a sentence the Appellant was serving at the time.
3. The Appellant appealed to the High Court against the 2-year sentence. His appeal was heard by Shameem J. on the 22<sup>nd</sup> of August 2002 and on the 27<sup>th</sup> of August she gave judgment dismissing the appeal.
4. The Appellant now seeks leave to appeal to this Court from the judgment of Shameem J. in the High Court. This is a second appeal, and is limited to questions of law alone (Section 22(1) of the Court of Appeal Act).
5. The Appellant seeks to canvass all those matters that he raised before Shameem J. in the High Court. None of the proposed grounds of appeal raise questions of law, and the appeal therefore is incompetent.
6. In the exercise of powers vested in this Court under Section 35(2) of the Court of Appeal Act, the appeal is dismissed, because the Appellant does not have a right of appeal or to seek leave to appeal.
7. The Appellant has the right to have the application determined by the Court as duly constituted for the hearing and determining of appeals under the Act.



Dated at Suva this 3<sup>rd</sup> October, 2002.

  
J. Ram Reddy  
President