

IN THE COURT OF APPEAL, FIJI AT SUVA

CRIMINAL APPEAL NO. AAU0018 OF 2003S  
(High Court Criminal Appeal No. HAA117 of 2002L)

BETWEEN:

TOMASI BALE

Applicant

AND:

THE STATE

Respondent

APPLICATION FOR LEAVE TO APPEAL AGAINST SENTENCE

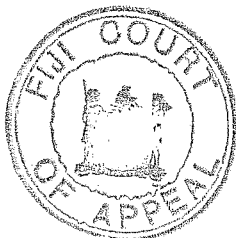
On 11 October 2002 the Applicant was sentenced to 2 years' imprisonment by the Magistrates' Court sitting at Sigatoka for robbery with violence and assault with intent to rob. The terms were to be served concurrently.


The State appealed to the High Court against the sentence. On 9 May 2003, the High Court (Govind J.) allowed the appeal and increased the sentence for robbery with violence to 4 ½ years to be served concurrently with the sentence of 2 years imprisonment for assault with intent to rob which was undisturbed on appeal. The learned Judge increased the sentence for robbery with violence because he found that the sentencing Magistrate was manifestly lenient and the sentence did not reflect the degree and nature of the offending.

The Applicant now seeks leave of this Court to appeal against the sentence. The right to a second appeal is limited to questions of law only. The Applicant complains about the severity of the sentence as increased on appeal but does not raise any questions of law (Section 22(1) Court of Appeal Act).

This application is bound to fail because there is no right of appeal and no right to seek leave to appeal. I dismiss the appeal under Section 35(2) of the Court of Appeal Act.

Dated at Suva this 18<sup>th</sup> November 2003.



  
\_\_\_\_\_  
Sir Ian Barker  
Justice of Appeal