

IN THE COURT OF APPEAL, FIJI ISLANDS  
ON APPEAL FROM THE HIGH COURT OF FIJI

CRIMINAL APPEAL NO. AAU0012 OF 2000S  
(High Court Criminal Action No. HAC0002 of 1994L)

BETWEEN:

RAM CHANDRA

*Appellants*

AND:

THE STATE

*Respondent*

Coram:

Sheppard, JA  
Gallen, JA  
Ellis, JA

Hearing:

Monday, 11<sup>th</sup> August 2003, Suva

Counsel:

Ms M. Waqavonovono for the Appellant  
Mr. P. Ridgway for the Respondent

Date of Judgment: Thursday, 14<sup>th</sup> August, 2003

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JUDGMENT OF THE COURT

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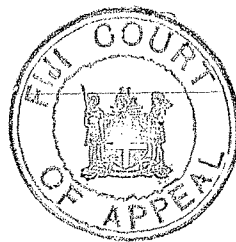
Ram Chandra was convicted on 6 counts of murder and was sentenced to life imprisonment on 1 May 1996. The sentencing Judge said the following when imposing sentence:

*“The accused, Ram Chandra s/o Tribhawan has been convicted of six counts of murder and the mandatory sentence for murder is life imprisonment. It is quite impossible to make life sentence cumulative upon a life sentence. However, section 33 of Penal Code states –*

*“33. Whenever a sentence of imprisonment for life is imposed on any convicted person the judge who imposes the sentence may recommend the minimum period which he considers the convicted person should serve.”  
It is recommended that the accused serve minimum period of 20 years (Twenty years) on each count of murder he stands convicted. Accused is 35 years old now and I hope this will mean that he will never see his freedom again for this brutal and violent killings of his wife and five children. The prisoners serving sentence of murder are released from prison after serving some time an I have not got the figures for their average stay in prison.”*

Because of the way the above recommendation was expressed Mr Chandra thought the recommendation was that 120 years was to be served. He therefore now applies for leave to appeal out of time at this late stage. At the hearing of this application counsel for the State confirmed the State’s understanding that the recommendation was that a minimum of only 20 years was to be served. In our opinion that view is correct. The recommendation is that 20 years be the minimum period to be served. The applicant’s claim is therefore met and his counsel’s instructions are that provided that interpretation is confirmed by us nothing further need be done. That being so the application for leave is refused.

*J. J. Sheppard*  
.....  
Sheppard, JA



*[Signature]*  
.....  
Gallen, JA

*A. D. Ellis*  
.....  
Ellis, JA

**Solicitors:**

Office of the Legal Aid Commission, Suva for the Appellant  
Office of the Director of Public Prosecutions, Suva for the Respondent