

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

CRIMINAL APPEAL NO. AAU0003 OF 2002S
(High Court Criminal Action No. HAC006 of 1998L)

BETWEEN:

INOKE BULI

Appellant

AND:

THE STATE

Respondent

Coram:

Smellie, JA
Davies, JA
Penlington, JA

Hearing:

Monday 10^h November 2003, Suva

Counsel:

Appellant in Person
Mr. G.H. Allan for the Respondent

Date of Judgment: Friday 14th November 2003

JUDGMENT OF THE COURT

This is an application to appeal out of time to the Supreme Court against a sentence of 12 years for rape.

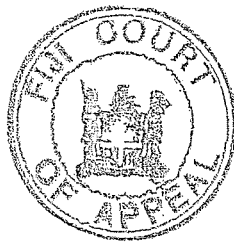
The applicant addressed the Court through an interpreter and was unable to add to the written material filed. That material made no attempt to show that if leave was granted an issue of significant public importance would arise. No does it provide any satisfactory explanation for the late filing (over 2 years) of the application.

There is of course no general right of appeal to the Supreme Court. Leave can only be granted in this Court if an arguable case is shown and the Court certifies that a question of significant public importance arises – s.122(2) (a) of the Constitution. That test is not satisfied when the issue in dispute concerns only the parties to the litigation. Here only the State and the Applicant are involved. The case has no greater significance than that and raises no question which is of wider importance to the public at large.

All this appeared not to be understood by the applicant and we doubt that our endeavours to explain it to him during the hearing were successful.

Be as that may, however, we are bound by the provisions of the Constitution which is the Supreme Law of Fiji. And on the perusal of the decision of this Court delivered on 24 May 2001 dismissing the applicant's appeal it is apparent that no arguable case can be advanced to justify the matter going further.

The applications are accordingly dismissed.



Robert Smellie, JA
Smellie, JA

J. David Davies
Davies, JA

Pennington
Pennington, JA

Solicitors:

Appellant in Person
Office of the Director of Public Prosecutions, Suva for the Respondent