

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

CRIMINAL APPEAL NO. AAU0041 OF 1999S
CRIMINAL APPEAL NO AAU0042 OF 1999S
(High Court Criminal Case No. HAC0004 of 1997)

BETWEEN:

APAITIA SERU

First Appellant

ANTHONY FREDERICK STEPHENS

Second Appellant

AND:

THE STATE

Respondent

Coram: Eichelbaum, JA
Gallen, JA
Smellie, JA

Hearing: Tuesday, 6 May 2003, Suva

Counsel: First appellant in person
Mr G.P. Shankar for the Second Appellant
Mr G. H. Allan and N. Lajendra for the Respondent

Date of Judgment: Friday, 16 May 2003

JUDGMENT OF THE COURT

Apaitia Seru

1. Appeal allowed, conviction and sentence quashed.
2. No order for new trial.

Anthony Frederick Stephens

1. Leave to amend Notice of Appeal to add the following ground:

That the information against the appellant ought to have been stayed, and the conviction should now be set aside, on the ground that the charge has not been determined within a reasonable time, in breach of section 29(3) of the Constitution.
2. Appeal allowed, conviction and sentence quashed.
3. No order for new trial.

We will give reasons at a later date.



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Eichelbaum, JA

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Gallen, JA

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Smellie, JA

Solicitors:

First appellant in person

Messrs G.P. Shankar & Co., Ba for the Second Appellant

Office of the Director of Public Prosecutions, Suva for the Respondent