

**IN THE COURT OF APPEAL**  
**ON APPEAL FROM THE HIGH COURT**

**CRIMINAL APPEAL AAU 53 of 2014**  
**(High Court HAC 104 of 2012)**

**BETWEEN** : **SANAILA TABUAVULA** *Appellant*

**AND** : **THE STATE** *Respondent*

**Coram** : **Calanchini P**

**Counsel** : **Appellant in person**  
**Mr M Korovou for the Respondent**

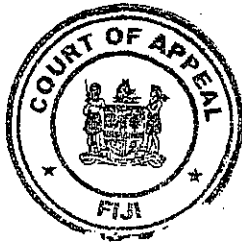
**Date of Hearing** : **25 June 2014**

**Date of Ruling** : **15 July 2014**

**RULING**

[1] This is an application for leave to appeal a decision of the High Court refusing bail pending trial. The application is made under Section 21(3) of the Court of Appeal Act Cap 12. The Magistrate had refused the Appellant's application for bail on 8 October 2013.

- [2] The Appellant's application for leave to appeal was initially received by the High Court criminal registry on 21 October 2013 and although not received by the Court of Appeal registry until 6 May 2014, will be treated as having been filed within the 30 days time limit prescribed by section 26 of the Court of Appeal Act.
- [3] When the Appellant appeared before me on 25 June 2014 he indicated that since filing this appeal, he was on 19 May 2014 convicted in the High Court on one count of aggravated robbery and sentenced to 8 years imprisonment on 20 May 2014.
- [3] Under those circumstances his appeal against the decision refusing bail pending trial is bound to fail. It is now a vexatious appeal and is dismissed under section 35(2) of the Court of Appeal Act.



*W. Calanchini*

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HON. MR JUSTICE W. D. CALANCHINI  
PRESIDENT, COURT OF APPEAL