

IN THE COURT OF APPEAL
[On Appeal from the High Court]

Criminal Appeal No. AAU0046 of 2013
[High Court Case No. HAC 158 of 2010S]

BETWEEN : JONE DI ATULAGA

Appellant

AND : THE STATE

Respondent

Coram : Hon. Mr. Justice Goundar

Counsel : Appellant in Person
Ms P. Madanavosa for the Respondent

Date of Hearing : 22 July 2014


Date of Ruling : 25 July 2014

RULING

- [1] The appellant appeared in the High Court at Suva on numerous charges of aggravated robbery. He was refused bail pending trial by the High Court.
- [2] The appellant filed an appeal against the High Court's refusal of bail pending trial. While that appeal was pending, the State entered a nolle prosequi against all the charges and terminated the proceedings against the appellant.
- [3] The State submits that this appeal is now purely academic because the High Court proceedings have been terminated and the appellant was discharged.

- [4] I accept the State's submission. The appellant is no longer in custody on remand and the question of bail is now academic. The appeal cannot possibly succeed and is therefore frivolous.
- [5] The appeal is dismissed under section 35(2) of the Court of Appeal Act.




.....
Hon. Justice D. Goundar
JUSTICE OF APPEAL

At Suva
25 July 2014

Solicitors:
Appellant in person
Office of the Director of Public Prosecutions for State