

IN THE COURT OF APPEAL
ON APPEAL FROM THE HIGH COURT

CRIMINAL APPEAL NO: AAU 17 of 2013
(Magistrates Court extended jurisdiction
No.1006 of 2011)

BETWEEN : **SEREMAIA MASIKI** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Kumararatnam JA

Counsel : **Mr S Sharma for the Appellant**
Mr M Korovou for the Respondent

Date of Hearing : **10 September 2014**

Date of Judgment : **13 October 2014**

JUDGMENT

Calanchini P

[1] This is an application by the Appellant seeking leave to abandon his appeal under Rule 39 of the Court of Appeal Rules (the Rules). The Court is duly constituted by two judges pursuant to section 6(2) of the Court of Appeal Act Cap 12 (the Act).

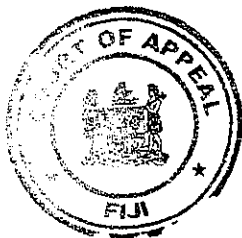
- [2] On 1 August 2012 the Appellant was convicted in the Magistrates Court at Suva, exercising extended jurisdiction of the High Court, on one count of aggravated robbery and two counts of theft. He was sentenced to a term of imprisonment of 3 years and 9 months.
- [3] The Appellant filed an application for leave to appeal against sentence on 21 August 2012. Then on 7 April 2014 the Appellant filed his notice of abandonment of appeal. The Court was informed that the Appellant had served his non-parole term and hoped to be released from prison early or at least some time before October 2015.
- [4] Counsel informed the Court that the Appellant's application had been made voluntarily and without any coercion. The Court was informed that the Appellant understood that his decision to abandon his appeal will lead to the dismissal of the appeal.
- [5] As a result the Court grants the Appellant leave to abandon his appeal. The appeal is dismissed.

Kumararatnam JA

- [6] I agree that the appeal should be dismissed.

Order:

Appeal dismissed.



W. Calanchini

HON. MR JUSTICE CALANCHINI
PRESIDENT, COURT OF APPEAL

Jm

HON. MR JUSTICE KUMARARATNAM
JUSTICE OF APPEAL