

IN THE COURT OF APPEAL

CRIMINAL APPEAL NO: AAU0086 OF 2012

BETWEEN : **MANJULA WATI**

Appellant

AND : **THE STATE**

Respondent

Coram : **Goundar JA**

Counsel: : **Appellant In Person**
Mr M. Delaney for the Respondent

Date of Hearing : **17 February 2014**

Date of Ruling : **17 February 2014**

RULING

[1] The appellant was charged with one count of fraudulent conversion in the Magistrates' Court at Nadi. On 26 July 2012, she was convicted of that charge and sentenced to 2 years and 4 months imprisonment. She filed an appeal against her conviction and sentence to the High Court. She also applied for bail pending appeal in the High Court. On 31 October 2012, her application for bail pending appeal was refused. She then filed an appeal against the High Court's refusal of bail to this Court.

[2] Section 21(3) of the Court of Appeal Act (the Act) provides:

"The Court of Appeal may, if it gives leave, entertain an appeal from the High Court against the grant or refusal of bail, including any conditions or limitations attached to a grant of bail, upon the

application either of the person granted or refused bail or of the Director of Public Prosecutions.”

- [3] The Court’s power to give leave to appeal can be exercised by a single judge pursuant to section 35(1) of the Act.
- [4] While the appellant was waiting for her leave application to be heard, her appeal against conviction and sentence in the High Court was heard and dismissed. The appellant has not filed any further appeal against the High Court’s judgment, dismissing her appeal against conviction and sentence.
- [5] By the time the application for leave was called for hearing, the appellant had served her sentence and was released from prison. She informed the Court that she was no longer interested in pursuing this appeal against the refusal of bail by the High Court.
- [6] Clearly, the appeal before this Court is academic. The appellant has served her sentence and there is no proceeding pending in the High Court. The appeal is frivolous in a sense that it cannot possibly succeed (see, **Naisua v State Criminal Appeal No. CAV0010 of 2013**).
- [7] Leave is refused and the appeal is dismissed under section 35(2) of the Court of Appeal Act.

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