

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

CRIMINAL APPEAL NO. AAU 0001 OF 2015
[Magistrate Court Case No. CF 644 of 2014]

BETWEEN : **ALIPATE MATAI**

Appellant

AND : **THE STATE**

Respondent

Coram : **Basnayake, JA**
A.Fernando, JA
S. Jayamanne, JA

Counsel : **Mr. J. Savou for the Appellant**
Mr. M. D. Korovou for the Respondent

Date of Hearing : **11 February 2016**

Date of Judgment : **26 February 2016**

RULING

Basnayake JA

I agree that this appeal be dismissed.

Jayamanne JA

1. This is an application for leave to abandon an appeal.
2. The appellant was charged on six counts namely; Aggravated Robbery on 2nd May 2014 contrary to section 311(a) and 291 of the Crimes Decree, No 44 of 2009. The appellant filed an application for bail before the trial court. The judge refused the application for bail.
3. The accused-appellant filed a notice of leave to appeal against refusal of his bail application. However on 10th June 2015 the appellant had submitted a notice to the

Registrar of the Court of Appeal moving to abandon his appeal. As a result the application was transmitted to the Court of Appeal for consideration pursuant to Rule 39 of the Court of Appeal Rules.

4. When this case was listed before the Full Court the appellant was not present and he was represented by counsel. The learned counsel informed court that the accused-appellant was subsequently enlarged on bail by the judge and in the circumstances his client does not wish to prosecute the appeal.
5. The court official of this court made inquiries from the magistrate court and found out that the accused-appellant was in fact bailed out by the magistrate on 23rd September 2015.
6. Being satisfied that there is no purpose in preceding any further the application to withdraw the appeal is allowed. The appeal is thus dismissed.
7. **A. Fernando JA**
I too agree that the appeal be dismissed.

Order of the Court:

Appeal dismissed.



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Hon. Mr. Justice E. Basnayake
JUSTICE OF APPEAL

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Hon. Mr. Justice A. Fernando
JUSTICE OF APPEAL

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Hon. Mr. Justice S. Jayamanne
JUSTICE OF APPEAL