

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

**CRIMINAL APPEAL AAU 14 OF 2017**  
**(High Court HAC 44 of 2016 at Lautoka)**

**BETWEEN** : **SALESH NARAYAN**  
*Appellant*

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

**Coram** : **Calanchini P**  
**Chandra JA**

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

**Date of Hearing** : **20 November 2017**

**Date of Ruling** : **14 December 2017**

**RULING**

[1] The Appellant was convicted in the High Court at Lautoka on one count of criminal intimidation. He was sentenced on 4 August 2016 to 18 months imprisonment with a non-parole term of 1 year.

- [2] The Appellant subsequently filed a notice of appeal against sentence that was out of time by about 3 months. On 4 July 2017 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in **Masirewa -v- The State** (CAV 14 of 2008; 17 August 2010) the application to abandon the appeal was listed for hearing before the Court of Appeal. At the hearing the appellant confirmed that his decision to abandon the appeal was made voluntarily. He confirmed that although he had not received legal advice he understood the consequences in the event that his application was granted.
- [4] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

Orders:

*Appeal against sentence is dismissed.*



*W. Calanchini*

Hon Mr Justice Calanchini  
**President, Court of Appeal**

*S. Chandra*

Hon Mr Justice Chandra  
**Justice of Appeal**