

**IN THE COURT OF APPEAL, FIJI**  
**ON APPEAL FROM THE MAGISTRATES COURT**  
*Exercising extended jurisdiction*

**CRIMINAL APPEAL AAU 17 OF 2017**  
(High Court HAC 306 of 2016)  
(Magistrates Court No: 1348 of 2016)

**BETWEEN** : **ALIFASI KIRIKITI** *Appellant*

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

**Coram** : Calanchini P  
Chandra JA

**Counsel** : No appearance for the Appellant  
Mr M Vosawale for the Respondent

**Date of Hearing** : 20 November 2017

**Date of Ruling** : 14 December 2017

**RULING**

[1] In a Ruling delivered on 5 December 2016 the Magistrates Court at Suva, exercising extended jurisdiction, granted bail pending trial to the Appellant on a number of strict conditions.

- [2] The Appellant subsequently filed a timely notice of appeal against the bail condition. On 17 March 2017 the Appellant filed an application to abandon his appeal against the bail conditions 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. There was no appearance by or on behalf of the Appellant. The Court was informed that the process server had not been able to effect service of the notice of hearing on the Appellant at his given address.
- [4] Under the circumstances the application to abandon the appeal against bail conditions is granted on the basis of his signed application to do so.

Orders:

*Appeal against bail conditions is dismissed.*



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

*J. Chandra*  
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Hon Mr Justice Chandra  
**Justice of Appeal**