

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

**CRIMINAL APPEAL AAU 144 OF 2016**  
(Magistrates Court No: 723 of 2014 at Lautoka)

**BETWEEN** : SAILOSI SERU

*Appellant*

**AND** : THE STATE

*Respondent*

**Coram** : Calanchini P  
Chandra JA

**Counsel** : Mr T Lee for the Appellant  
Mr M Vosawale for the Respondent

**Date of Hearing** : 20 November 2017

**Date of Ruling** : 14 December 2017

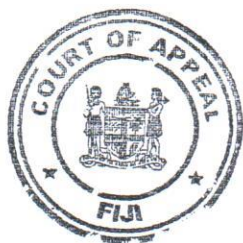
**RULING**

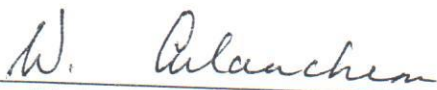
[1] The Appellant was convicted on his plea of guilty by the Magistrates Court at Lautoka exercising extended jurisdiction on one count of aggravated burglary and one count of theft. On 29 April 2016 he was sentenced to 20 months imprisonment to be served consecutively to an existing sentence.

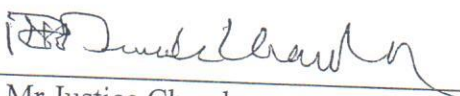
- [2] The Appellant subsequently filed a notice of appeal against sentence. On 7 October 2017 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in Masirewa -v- The State (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.
- [5] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

Orders:

*Appeal against sentence is dismissed.*



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

  
Hon Mr Justice Chandra  
**Justice of Appeal**