

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

CRIMINAL APPEAL AAU 159 OF 2016  
(High Court HAC 80 of 2014)

BETWEEN : NEETIN AJESH PRASAD

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 by the High Court at Lautoka on one count of attempted murder and was sentenced on 15 February 2016 to a term of imprisonment of 7 years.

- [2] The Appellant subsequently filed a notice of appeal against sentence that was out of time by about 8 months. On 4 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 he had received legal advice and that he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal sentence is granted and the appeal is dismissed.

Orders:

*Appeal against sentence is dismissed.*



*W. Calanchini*

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

*D. Chandra*

Hon Mr Justice Chandra  
**Justice of Appeal**