

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

CRIMINAL APPEAL AAU 66 OF 2013
(High Court HAC 7 of 2010)

BETWEEN : FIJI INDEPENDENT COMMISSION
AGAINST CORRUPTION

Appellant

AND : TEVITA PENI MAU
DHIRENDRA PRATAP

Respondents

Coram : Calanchini P
Basnayake JA

Counsel : Ms S Fatafeh for the Appellant
Respondents in person

Date of Hearing : 16 November 2017

Date of Ruling : 14 December 2017

RULING

- [1] The Respondents were acquitted by the High Court on 28 May 2013 of the offences of Abuse of Office contrary to section 111 of the Penal Code and extortion by Public Officers contrary to section 107 of the Code.

- [2] The Appellant subsequently filed a timely notice of appeal against both acquittals. On 29 May 2017 the Appellant filed an application to abandon its appeal against the acquittals 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 the application to abandon the appeal remained existent.
- [4] Under the circumstances the application to abandon the appeal against the acquittals is granted and the appeal is dismissed.

Orders:

Appeal against acquittals is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
PRESIDENT, COURT OF APPEAL

[Signature]

Hon Mr Justice Basnayake
JUSTICE OF APPEAL