

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

CRIMINAL APPEAL AAU 32 OF 2015
(High Court HAC 30 of 2012)

BETWEEN : **NITESHNI KUMAR** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Lecamwasam JA
Jameel JA

Counsel : **Mr M Yunus for the Appellant**
Ms P Madanavosa for the Respondent

Date of Hearing : **13 February 2017**

Date of Ruling : **31 March 2017**

RULING

[1] The Appellant was convicted in the High Court on one count of aiding and abetting. Her co-accused was convicted on one count of rape. On 20 March 2015 the Appellant was

sentenced to a term of seven years imprisonment and her co-accused was sentenced to a term of thirteen years imprisonment.

- [2] Both Appellants subsequently filed timely notices of appeal against conviction and sentence. By letter dated 2 November 2016 the Appellant Kumar applied for leave to abandon her appeal against both conviction and sentence.
- [3] In accordance with the decision of the Supreme Court in Masirewa -v- The State (CAV 14 of 2008; 17 August 2010) the application was listed for hearing before the Court of Appeal. The Appellant confirmed that her decision to abandon her appeal was made voluntarily. She also informed the Court that she had received legal advice and understood the consequences for her in the event that the application were to be granted.
- [4] Under the circumstances her application to abandon the appeal against both convictions and sentence is granted and the appeal is dismissed.

Order:

Appeal against conviction and sentence filed by the Appellant Kumar is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
President, Court of Appeal

Lecamwasam

Hon Mr Justice Lecamwasam
Justice of Appeal

Jameel

Hon Madam Justice Jameel
Justice of Appeal