

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

CRIMINAL APPEAL NO. AAU 155 OF 2014
(High Court HAC 5 of 2010)

BETWEEN : TEVITA PENI MAU

Appellant

AND : FIJI INDEPENDENT COMMISSION
AGAINST CORRUPTION

Respondent

Coram : Calanchini P
Lecamwasam JA
Prematilaka JA

Counsel : Appellant in person
Ms S Fatafehi for the Respondent

Date of Hearing : 11 May 2017

Date of Ruling : 22 June 2017

RULING

- [1] The Appellant appeared for trial in the High Court on one count of extortion by a public officer contrary to section 107 of the Penal Code Cap 17. Two others were also charged with offences relating to corrupt practices. Following his trial the assessors returned majority opinions of guilty. The learned High Court Judge agreed with the majority

opinions and convicted the Appellant as charged. On 24 November 2014 the Appellant was sentenced to a term of 9 months imprisonment.

- [2] On 22 December 2014 the Appellant filed a timely notice of appeal against conviction and sentence. The notice was not served on the Respondent until 14 January 2015. Before the Appeal could be listed for hearing the Appellant filed a notice seeking leave to abandon his appeal against conviction and 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 was listed for hearing before the Court of Appeal. At the hearing the Appellant confirmed that his decision to abandon his appeal was made voluntarily. He also confirmed that he understood the consequences in the event that his application were granted.
- [4] As a result the application to abandon the appeal against conviction and sentence is granted and the appeal is dismissed.

Order:

Appeal against conviction and sentence is dismissed..



W. Calanchini

.....
Hon. Mr. Justice W D Calanchini
PRESIDENT, COURT OF APPEAL

Lecamwasam

.....
Hon. Mr. Justice Lecamwasam
JUSTICE OF APPEAL

S. Prematilaka

.....
Hon. Mr. Justice Prematilaka
JUSTICE OF APPEAL