

IN THE COURT OF APPEAL, FIJI
ON APPEAL FROM THE MAGISTRATES COURT AT SAVUSAVU
Exercising extended jurisdiction of the High Court

CRIMINAL APPEAL AAU 26 of 2017
(Magistrates Court No 431 of 2012 at Savusavu)

BETWEEN : RATU TILA WAQAVOU

Appellant

AND : THE STATE

Respondent

Coram : Calanchini P

Counsel : Mr M Fesaitu for the Appellant
Mr S Babitu for the Respondent

Date of Hearing : 6 June 2018

Date of Ruling : 6 July 2018

RULING

[1] The appellant was convicted on one count of aggravated burglary and one count of theft by the Magistrates Court at Savusavu exercising jurisdiction extended by the High Court.

The appellant had pleaded guilty to both counts and was sentenced to 2 years imprisonment with a non-parole term of 12 months on 16 September 2016.

- [2] The appellant subsequently filed a timely appeal against sentence in error in the High Court. The papers were then passed to the Court of Appeal.
- [3] When the appeal was called for mention on 6 June 2018 the Court was informed that the appellant had been discharged on 15 May 2018 having served his sentence. Under the circumstances the appeal is dismissed under section 35(2) of the Court of Appeal Act 1949.

Orders:

Appeal against sentence is dismissed.



W. Calanchini

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