

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

CRIMINAL APPEAL NO. AAU 49 OF 2015
(High Court HAC 111 of 2014 at Lautoka)

BETWEEN : **SENIJIELI BOILA**

Appellant

AND : **THE STATE**

Respondent

Coram : **Calanchini P**
Chandra JA

Counsel : **Ms S Nasedra for the Appellant**
Mr R Kumar for the Respondent

Date of Hearing : **22 November 2018**

Date of Ruling : **30 November 2018**

RULING

Calanchini P

- [1] Following a trial in the High Court the appellant was convicted on one count of aggravated robbery. On 14 April 2015 he was sentenced to 11 years 4 months imprisonment with a non-parole term of 9 years.

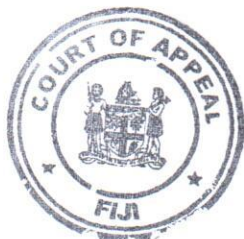
- [2] The Appellant subsequently filed a timely notice of appeal against conviction and later a notice of appeal against sentence that was out of time by about 8 months. On 27 February 2018 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in Masirewa –v- The State (CAV 14 of 2008; 17 August 2010) that application to abandon the appeal was listed for hearing before the Court of Appeal. At the hearing the appellant indicated that he now wanted to continue with his appeal against sentence. The application to abandon the sentence appeal is marked withdrawn.
- [4] In a Ruling delivered on 27 April 2018 the appellant’s application for leave to appeal against conviction was refused on grounds 1 – 4 and the appeal was dismissed on grounds 5 – 8. There is presently no indication in the file that the appellant has applied to renew his leave to appeal conviction application before the Full Court.
- [5] Under the circumstances the application to abandon the appeal against sentence is marked withdrawn.


Chandra JA

- [6] I agree.


Orders:

- 1) *Application to abandon sentence appeal is withdrawn.*
- 2) *Matter is listed for mention on 19 December 2018 at 11.30am.*





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



Hon Mr Justice S Chandra
JUSTICE OF APPEAL