

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

CRIMINAL APPEAL NO. AAU0113 of 2013
(High Court HAC 46 of 2012)

BETWEEN : **FAIYAZ KHAN** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Gamalath JA
Goundar JA

Counsel : **Mr. K. Tunidau for the Appellant**
Ms. S. Puamau for the Respondent

Date of Hearing : **15 February 2018**

Date of Ruling : **8 March 2018**

RULING

[1] The Appellant was convicted and sentenced by the High Court at Lautoka on 15 November 2013 on the following five counts:

- (i) 1st Count of Uttering a Forged Document
- (ii) 2nd Count of Obtaining Money on a Forged Document
- (iii) 3rd Count of Money Laundering
- (iv) 4th Count of Money Laundering
- (v) 5th Count of Money Laundering

He was sentenced to 5 years imprisonment on each count and the sentences of imprisonment were to run concurrently and there is an imposition of a non- parole period of 4 years.

[2] The Appellant subsequently filed a timely notice of appeal against the conviction and the sentence. On the day of the hearing of the appeal i.e.15 February 2018, the Appellant informed the Court through his Counsel that he was moving to abandon his appeal against the conviction and the sentence, pursuant to Rule 39 of the Court of Appeal Rules.

[3] The Court, in turn directly inquired from the Appellant whether he was making the application to abandon the appeal voluntarily. In response the Appellant informed that the decision has been made voluntarily.

[4] The Counsel appearing in Court did confirm that the decision to withdraw the appeal had been voluntarily made and he had been duly instructed by the Appellant to inform his decision to Court .The Appellant is unequivocal in his decision to abandon the appeal and according to the learned Counsel the Appellant seeks his assistance to inform this Court the Appellant's decision to abandon his appeal.

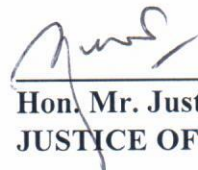
- [5] Under the circumstances the application to abandon the appeal against the conviction and the sentence is granted and the appeal is dismissed.

Orders:

Appeal against the conviction and sentence is dismissed.



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



Hon. Mr. Justice S. Gamalath
JUSTICE OF APPEAL



Hon. Mr. Justice D. Goundar
JUSTICE OF APPEAL