

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

CRIMINAL APPEAL NO. AAU 51 OF 2018  
(High Court HAM 58 of 2018 at Lautoka)

BETWEEN : MOHAMMED FAIYAZ  
*aka* MOHAMMED FAIYASH  
*Appellant*

AND : THE STATE  
*Respondent*

Coram : Calanchini P

Counsel : No appearance by the Appellant  
Ms S Tivao for the Respondent

Date of Hearing : 25 June 2019

Date of Ruling : 19 July 2019

RULING

[1] The appellant appeared before the High Court at Lautoka on one count of attempted murder and one count of damaging property.

- [2] On 12 March 2018 an oral application for bail pending trial was made in the High Court. The appellant was directed to file a formal application for bail pending trial in writing. On 18 May 2018 the application for bail pending trial was refused by the High Court.
- [3] The appellant subsequently filed a timely notice of appeal against the refusal to grant bail pending trial pursuant to section 21(3) of the Court of Appeal Act 1949.
- [4] The application was not brought to the attention of the Court until early June 2019 and the matter was listed for mention on 25 June 2019. On that day the Court was informed that the appellant had been tried and was convicted on 21 June 2019.
- [5] As a result the appellant's appeal is dismissed under section 35(2) of the Court of Appeal Act as vexatious.

Order:

*Appeal dismissed under section 35(2) of the Court of Appeal Act.*



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