

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

CRIMINAL APPEAL NO. AAU 22 OF 2018
(High Court HAA 17 of 2017)
(Magistrates Court No. 206 of 2016 at Labasa)

BETWEEN : METUISELA MASILAGO *Appellant*

AND : THE STATE *Respondent*

Coram : Calanchini P

Counsel : No appearance for the Appellant
Ms E Rice for the Respondent

Date of Hearing : 24 June 2019

Date of Ruling : 19 July 2019

RULING

[1] The appellant was convicted on his plea of guilty by the Magistrates Court at Labasa on one count of theft of \$76.00 cash. On 18 July 2017 the appellant was sentenced to 13 months imprisonment. On 20 July the appellant filed in the High Court a notice of appeal against sentence. In a Ruling delivered on 14 December 2017 the High Court dismissed the appeal.

- [2] By way of a handwritten notice dated 3 February 2018 the appellant sought to appeal the decision of the High Court pursuant to section 22 of the Court of Appeal Act 1949 (the Act). The appeal was filed almost 3 weeks out of time.
- [3] When the appeal was listed for mention on 24 June 2019 the Court was informed that the appellant had served his sentence and was discharged on 7 April 2018. As the appellant had not provided a forwarding address at which notices may be served on him, the appeal is dismissed under section 35(2) of the Act.

Order:

Appeal against sentence under section 22 of the Act is dismissed pursuant to section 35(2) of the Act.



W. Calanchini

Hon Mr Justice W D Calanchini
PRESIDENT, COURT OF APPEAL