

IN THE COURT OF APPEAL, FIJI
ON APPEAL FROM THE MAGISTRATES COURT
Exercising extended jurisdiction

CRIMINAL APPEAL NO. AAU 108 OF 2016
(Magistrates Court No: 738 of 2015 at Suva)

BETWEEN : **SENIVUGA TIKOISUVA TAMANI** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Chandra JA

Counsel : **Mr N Nawaikula for the Appellant**
Ms S Kiran for the Respondent

Date of Hearing : **20 November 2019**

Date of Ruling : **11 December 2019**

RULING

Calanchini P

- [1] The appellant and two others were convicted on their pleas of guilty on one count of aggravated robbery by the Magistrates Court at Suva exercising extended jurisdiction. On 21 July 2016 the appellant was sentenced to 8 years imprisonment with a non-parole term of 5 years.

- [2] The Appellant subsequently filed timely notice of appeal against sentence. On 30 August 2019 the Appellant filed 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) the application to abandon the appeal was listed for hearing before the Court of Appeal. At the hearing the appellant confirmed that his decision to abandon the appeal was made voluntarily. He confirmed that he had received legal advice and that he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.


Chandra JA

- [5] I agree.


Order:

Appeal against sentence is dismissed.





Hon Mr Justice W D Calanchini
PRESIDENT, COURT OF APPEAL



Hon Mr Justice S Chandra
JUSTICE OF APPEAL