IN THE COURT OF APPEAL, FIJI
[On Appeal from the High Court]

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CRIMINAL APPEAL NO. AAU 46 of 2022
[In the High Court at Suva Case No. HAM 113 of 2022]

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BETWEEN   :   **RATUNIVATULELE VULI**

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Appellant

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AND   :   **THE STATE**

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Respondent

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Coram   :   **Prematilaka, RJA**

Counsel   :   **Mr. K. Prasad for the Appellant**
              :   **Ms. S. Shameem for the Respondent**

Date of Mention   :   **13 June 2023**

Date of Ruling   :   **14 June 2023**

RULING

[1]   This is an appeal against the refusal of bail pending trial by Suva High Court on 06 June 2022.

[2]   The appellant's appeal has been timely and made pursuant to section 21(3) of the Court of Appeal Act, 1949 which could be heard only by the full court.

[3]   However, the counsel for the appellant informed this court that subsequent to the impugned decision the appellant had been released on bail pending trial by Suva High Court in HAM 111 of 2023 on 13 March 2023. Though neither counsel had a copy of the bail order, as the appellant has now been granted bail pending trial, the appeal in this court has been overtaken by those events.

[4]   His trial under HAC 81 of 2022 has been fixed to be taken up for trial from 26 February 2024 to 01 March 2024. Legal Aid Commission is on record for the appellant at the trial.

[5]   However, in the light of the fact that the appellant has been released on bail pending trial by the High Court, this appeal has become redundant. To consider at this stage whether the High Court judge had erred by his earlier order of refusal of bail pending appeal is only of academic interest. This is a court of law and not an academy of law. It would not indulge in pure academic exercises wasting its precious judicial time.

[6]   In the circumstances, this appeal should be dismissed as a frivolous or vexatious appeal.

__Order of the Court:__

1.   Appeal is dismissed in terms of section 35(2) of the Court of Appeal Act.

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Hon. Mr. Justice C. Prematilaka
RESIDENT JUSTICE OF APPEAL

Solicitors:

Legal Aid Commission for the Appellant
Office for the Director of Public Prosecutions for the Respondent