

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

CRIMINAL APPEAL NO. AAU 0013 of 2020
[High Court at Suva Criminal Case No. HAC 317 of 2015]

BETWEEN : **THE STATE** *Appellant*

AND : **NOUSHEEN MEZBEEN HUSSAIN**

Coram : **Prematilaka, RJA**
Mataitoga, RJA
Dobson, JA *Respondent*

Counsel : **Mr. R. Kumar for the Appellant**
: **Mr. M. Yunus and Mr. R. Prasad for the Respondent**

Date of Hearing : **02 July 2024**

Date of Judgment : **26 July 2024**

JUDGMENT

Prematilaka, RJA

[1] The respondent had been charged in the High Court at Suva on one count of theft contrary to section 291 of the Crimes Act No. 44 of 2009, one count of obtaining property by deception contrary to section 317 of the Crimes Act No. 44 of 2009 and one count of money laundering contrary to section 69(2)(a) and (3)(b) of the Proceeds of Crime Act, 1997 committed in 2012 at Suva in the Central Division.

[2] After the summing-up, the assessors had expressed a unanimous opinion of guilty against the respondent on all counts. The learned High Court judge in the judgment had agreed with the assessors and convicted the respondent accordingly. She was

sentenced on 31 January 2020 to 18 months of imprisonment on the first count, 02 years of imprisonment on the second count and 03 years of imprisonment on the third count; all sentences to run concurrently. The trial judge refrained from imposing a non-parole period. In addition, the respondent was also ordered to pay a fine of \$1000 with a default term of imprisonment of 03 months.

[3] Upon consideration of the appeal against sentence, a judge of this court allowed leave to appeal for the sentence appeal.¹

[4] When the appeal was taken up for hearing into the sentence appeal before the Full Court on 02 July 2024, Mr R. Kumar, state counsel indicated to court that the Director of Public Prosecutions (DPP) no longer wished to prosecute the sentence appeal.

[5] The court was informed by Mr. Yunus, the respondent's counsel that his client had already served her sentence.

[6] Having deliberated on the DPP's application, this court decided to allow the abandonment of the sentence appeal. Accordingly, the court informed the state counsel that the sentence appeal would stand dismissed.

[7] This judgment seeks to formalise the said decision of the court.

Mataitoga, RJA

[8] I concur.


Dobson, JA

[9] I agree with the orders as made.

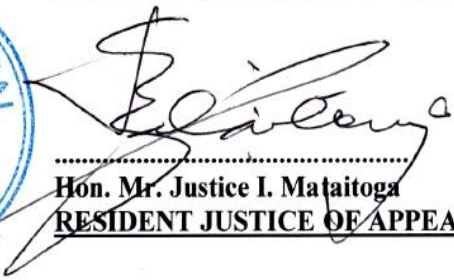
¹ **State v Hussain** [2021] FJCA 255; AAU0013.2020 (29 December 2021)


Orders of the Court:

1. The application to abandon the sentence appeal is allowed.
2. Appeal against sentence is dismissed.


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




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Hon. Mr. Justice I. Mataitoga
RESIDENT JUSTICE OF APPEAL


.....
Hon. Mr. Justice R. Dobson
JUSTICE OF APPEAL

Solicitors:

Office of the Director of Public Prosecution for the Appellant
M Y Lawyers for the Respondent