

IN THE HIGH COURT OF FIJI
AT SUVA

HBM 061 OF 2020

BETWEEN : **TEMO LUTUMAILAGI**

AND : **STATE**

Date of Order : **25 March 2020**

ORDER

- [1] The applicant is a serving prisoner. He is serving life imprisonment for murder.
- [2] His appeals to the Court of Appeal and the Supreme Court were unsuccessful.
- [3] He now seeks constitutional redress saying his hearing in the Court of Appeal was unfair. He seeks a re-hearing of his appeal before the Court of Appeal.
- [4] The High Court has no power to regulate the hearings of the Court of Appeal or to grant the relief sought by the applicant. If the Court of Appeal did not give him a fair hearing he could have taken an issue either in the Court of Appeal or as a ground of appeal to the Supreme Court. He took no issue regarding his appeal hearing either in the Court of Appeal or the Supreme Court.
- [5] This application for constitutional redress is bound to fail on the ground that it is an abuse of the court process. The High Court has inherent jurisdiction to prevent an abuse of the court process.

[6] The application is summarily dismissed for an abuse of the court process.



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Daniel Goundar

JUDGE