

IN THE HIGH COURT OF FIJI
AT SUVA
MISCELLANEOUS JURISDICTION

CRIMINAL MISCELLANEOUS CASE NO. HAM 252 OF 2023

ROPATE LESI MAIWIRIWIRI

.v.

STATE

Counsels: Ms. Chandra A - for Applicant
Mr. Naimila T - for Respondent/State

RULING

In this matter, the applicant was charged in the Magistrates Court in 2005 and an amended charge was filed by the State on 4th March 2020. The count against the Applicant was receiving stolen property. Now the applicant prays for a permanent Stay order due to the unreasonable delay of commencing and concluding the prosecution case.

To this application the Prosecution is not objecting.

Therefore in considering the rights of every person, charged with an offence under Section 14(2) (g) of the Fiji Constitution of 2013, this court perceives that this case had prolonged unnecessarily in violation of the Constitutional Right of the Applicant.

Orders

In perusing the facts of this matter, this court identifies that there has been an unreasonable delay in commencing and concluding this matter against the Applicant in violation of his rights under the Constitution of Fiji.

Therefore in utilizing the inherent jurisdiction of this Court, this Court grants a permanent Stay order in the Magistrates Case No. CF1359 of 2005.



A handwritten signature in blue ink, appearing to read "Thushara Kumarage".

Hon. Justice Dr. Thushara Kumarage

At Suva
This 31st October 2023

Cc: *Office of the Director of Public Prosecution*
Office of the Legal Aid Commission