

IN THE HIGH COURT OF FIJI

AT SUVA

[CIVIL JURISDICTION]

CIVIL MISC NO. HBM 077 OF 2025

BETWEEN : LEMEKI SEVUTIA

AND : THE COMMISSIONER OF FIJI POLICE FORCE

Date of Decision : 11 June 2025

DECISION

(Summary Dismissal)

- [1] The Petitioner, Lemeki Sevutia, is an inmate. He is incarcerated at the Maximum Corrections Centre.
- [2] The Petitioner was charged with Aggravated Robbery. He was tried under the extended jurisdiction of the Magistrates' Court in EJR 07 of 2019. On 21 February 2024, the trial Magistrate ruled that the Petitioner's confession to the police, relied upon by the prosecution was inadmissible on the ground that it had been extracted using force.
- [3] Based upon the finding of the trial Magistrate that the police assaulted him to extract his confession, the Petitioner filed an Application for Constitutional Redress using Form HCCR 1, seeking the following relief:
- (a) A declaration that
 - (i) the actions conducted during the investigation was unlawful and not according to the police procedure investigation act;
 - (ii) That there is evidence of assault conducted against me by the Rakiraki Police officers.

- (b) An injunction that internal Police investigations be carried out prior to the commencement of my proper trial
- (c) Any order, remedy or relief - an order against the 2nd respondent to instigate an internal investigation against the police officers in Rakiraki Police Station for breach of proper police investigation conducted in my case.
- (d) Declaration that the Constitution rights enshrined under Section 11 (1) has been violated and Section 13 (d) of the Constitution.

- [4] When an Accused claims that his confession was extracted by police using force, he may seek to have it excluded from prosecution evidence. In this case, the Petitioner was granted relief by the court when his confession was excluded from the evidence.
- [5] As for the other relief sought by the Petitioner, it is a matter for him to file a complaint with the Fiji Police Force. The courts do not have jurisdiction to intervene in the internal disciplinary mechanisms of the Fiji Police Force.
- [6] The Petitioner has not presented any genuine constitutional grievance for the court to consider.
- [7] The application is summarily dismissed as being frivolous and vexatious pursuant to the inherent jurisdiction of this Court (see, Tokoniaroi v Commissioner of Police [2023] FJSC 24; CBV0017.2019 (30 June 2023)).
- [8] Any future application for Constitutional Redress made in person by the Practitioner shall not be accepted without the sanction of a judge of the High Court.



Solicitors:

Applicant in Person, Fiji Corrections Department, Suva.


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Hon. Mr Justice Daniel Goundar