

IN THE COURT OF APPEAL, FIJI
ON APPEAL FROM THE MAGISTRATES COURT
Exercising extended jurisdiction

CRIMINAL APPEAL AAU 13 OF 2014
(Magistrates Court No: 1582 of 2013)

BETWEEN : **IRSHAD ALI** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Chandra JA

Counsel : **Ms M Rakai for the Appellant**
Mr S Vodokisolomone for the Respondent

Date of Hearing : **22 February 2018**

Date of Ruling : **29 March 2018**

RULING

Calanchini P

[1] The Appellant was convicted on 14 November 2013 on his plea of guilty in the Magistrates Court exercising extended jurisdiction of the High Court on one count of acting with intent to cause grievous harm and one count of breaching his suspended sentence. The Appellant was sentenced to a term of imprisonment of 2 years and 6 months on count 1 and for count 2 the sentence was re-activated to be served

concurrently with the sentence imposed for count 1 with a non-parole term of 2 years. A domestic violence restraining order was also issued.

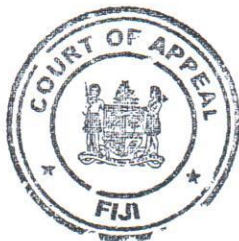
- [2] The Appellant subsequently filed a timely notice of appeal against sentence. On 7 December 2017 the Appellant applied to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in **Masirewa -v- The State** (CAV 14 of 2008; 17 August 2010) the application to abandon the appeal against sentence was listed for hearing before the Court of Appeal. At the hearing the appellant was represented by Counsel but did not appear himself. The Court was informed that the Appellant had indicated to his solicitors his intention to withdraw his appeal since he had been released in April 2016.
- [4] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.


Chandra JA

- [5] I agree.

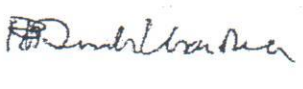
Orders:

Appeal against sentence is dismissed.





Hon Mr Justice W.D. Calanchini
PRESIDENT, COURT OF APPEAL



Hon Mr Justice S. Chandra
JUSTICE OF APPEAL