

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CIVIL JURISDICTION

Civil Action No. HBJ 06 of 2016

BETWEEN : **GUSTON FREDRICK KEAN**

Applicant

AND : **COMMISSIONER OF FIJI PRISONS AND**
CORRECTIONS CENTRE, NABORO

Respondent

Appearances : Plaintiff In Person
Mr. Mainavolau for the Respondent

R U L I N G

1. I am dealing with an application seeking leave to issue judicial review.
2. By way of background, the applicant is a serving prisoner. On 16 April 2008, he was sentenced, upon conviction, to a term of imprisonment of 11 years “with a 9 years minimum term concurrent to the present term of 8 ½ years” – as he puts it.
3. The applicant submits that:

“Upon admission to prison, [he] was afforded and given one third remission of the total sentence of 11 years from 2008 until 2015”
4. However, in November 2015, he was told that “one third remission ... was no longer applicable and that remission would only be afforded and given to the two remaining years after the expiry of the 9 years minimum term”.
5. He is aggrieved about that decision which the Commissioner of Prisons purportedly made on November 2015.
6. This application was filed on 23 November 2016.
7. I need only say two things at this time to dismiss the application. The first is that the application is well out of time. Order 53 Rule 4 (3 months limitation period).

8. The second is that the same issues had been considered by the Fiji Supreme Court in **Kean v State** [2015] FJ SC 27; CAV 007. 2015 (23 October 2015).
9. Accordingly I dismiss the application and refuse leave.



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Anare Tuilevuka
JUDGE
03 May 2018.