

**IN THE COURT OF APPEAL, FIJI**  
**ON APPEAL FROM THE HIGH COURT OF FIJI**

**CRIMINAL APPEAL AAU 114 OF 2015**  
(HAA of 59 of 2010)

**BETWEEN** : **EPARAMA NAGALU**

*Appellant*

**AND** : **THE STATE**

*Respondent*

**Coram** : **Calanchini P**  
**Guneratne JA**

**Counsel** : **No appearance for the Appellant**  
**Mr S Vodokisolomone for the Respondent**

**Date of Hearing** : **16 November 2017**

**Date of Ruling** : **14 December 2017**

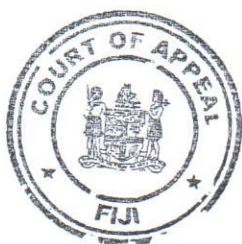
**RULING**

- [1] The Appellant was sentenced by the Magistrates Court at Suva on 23 September 2010 on 10 counts of related traffic offences. He was sentenced to pay a fine of \$1000.00 in default of which he was to serve 9 months imprisonment. A subsequent appeal against conviction to the High Court was dismissed on 13 February 2015.


- [2] The Appellant then filed a section 22 notice of appeal against conviction. On 15 December 2016 the Appellant filed an application to abandon his appeal against conviction 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 was listed for hearing before the Court of Appeal. At the hearing there was no appearance by or on behalf of the Appellant. The Court was informed that the Appellant had been discharged from prison after serving a sentence for unrelated matters. There was no forwarding address provided for the service of notices.
- [4] Under the circumstances the application to abandon the appeal against conviction is granted pursuant to his signed application and the appeal is dismissed.

Orders:

*Appeal against conviction is dismissed.*



  
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Hon Mr Justice Calanchini  
**President, Court of Appeal**

  
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Hon Justice Almeida Guneratne  
**Justice of Appeal**