

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

CRIMINAL APPEAL AAU 134 OF 2015
(Magistrates Court No: 375 of 2013 at Lautoka)

BETWEEN : JOSEFA SESEVU

Appellant

AND : THE STATE

Respondent

Coram : Calanchini P
Guneratne JA

Counsel : Ms T Kean for the Appellant
Mr S Vodokisolomone for the Respondent

Date of Hearing : 16 November 2017

Date of Ruling : 14 December 2017

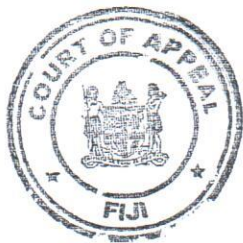
RULING

- [1] The Appellant was convicted on his own plea of guilty on 19 June 2015 by the Magistrates Court at Lautoka exercising extended jurisdiction on one count of aggravated robbery, one count of theft of motor car, one count of abduction and one count of theft. He was sentenced to 2 years 9 months imprisonment with a non-parole term of 1 year.

- [2] The Appellant subsequently filed a notice of appeal against conviction and sentence that was out of time by about 2 months. On 27 January 2017 the Appellant filed an application to abandon his appeal against conviction and 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 was listed for hearing before the Court of Appeal. At the hearing the Court was informed that the Appellant had been discharged from prison having served his sentence. The Appellant had not provided a forwarding address for the service of notices.
- [4] Under the circumstances the appeal against conviction and sentence is dismissed.

Orders:

Appeal against conviction and sentence is dismissed.



W. Calanchini

Hon Mr Justice Calanchini
President, Court of Appeal

J. Almeida Guneratne

Hon Justice Almeida Guneratne
Justice of Appeal