

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

**CRIMINAL APPEAL AAU 61 OF 2017**  
(Magistrates Court No: 1277 of 2013 at Nadi)

**BETWEEN** : **OSEA LAGIVALA TUIDRAKI**  
**ASAEI VAKALOLOMA NATA** *Appellants*

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

**Coram** : **Calanchini P**  
**Chandra JA**

**Counsel** : **No appearance for the Appellants**  
**Mr R Kumar for the Respondent**

**Date of Hearing** : **27 September 2018**

**Date of Ruling** : **29 October 2018**

**RULING**

**Calanchini P**

- [1] The appellants were convicted on their pleas of guilty in the Magistrates Court at Nadi exercising the extended jurisdiction of the High Court on one count of aggravated burglary and one count of theft. On 3 March 2017 the appellants were each sentenced to 18 months imprisonment with non-parole terms of 12 months.

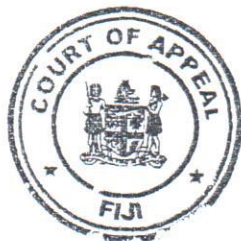
- [2] The Appellants subsequently filed a timely notice of appeal against sentence. On 7 June 2018 each Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in Masirewa –v- The State (CAV 14 of 2008; 17 August 2010) the applications to abandon the appeals were listed for hearing before the Court of Appeal. There was no appearance by or on behalf of the appellants. They had served their sentences and were discharged on 2 July 2018.
- [4] Under the circumstances the applications to abandon the appeals against sentence are granted and the appeals are dismissed.

**Chandra JA**

- [5] I agree.

Order:

*Appeals against sentence are dismissed.*



*W. Calanchini*

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

*S Chandra*

Hon Mr Justice S Chandra  
JUSTICE OF APPEAL