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MONDAY: THE NINTH DAY OF MARCH, 1992 AT 12.16 P.M.

AND : S T A T E RESPONDENT

IN PERSON
FOR THE RESPONDENT

JUSTICE HELSHAM

: The appellant in this case was arrested and charged with being in possession of dangerous drugs contrary to section 8(b) of the Dangerous Drugs Act as amended. The Particulars of the Offence indicate that on the 5th of April 1990 at his house in Nakula Street, Lautoka, there was the material found in respect of which he was later charged.

The facts are very simple. Apparently, this man was under surveillance for some time and on the 5th of April, the police made a raid on his house having taken him to the house with them.

At the house, in a room upstairs, he was living with a lady who was also charged, to whom he refers as his girlfriend. As a result of hearing him call out and perhaps for some other reasons, she was seen to throw a bag out the rear window. It so happened that a policeman had been placed there before this happened and he saw her.

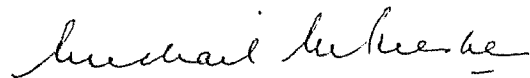
He was then taken to the police station and made a statement. He alleges that the statement was forced from him - that it was involuntary. There was a hearing on voire dire and the learned Judge admitted it after that hearing.

There were two other bags of the same material found in the room which were part of the material in respect of which he made an admission. There is simply no ground at all for the appeal to be upheld and there is nothing in the way in which the trial was conducted that would lead us to upset the decision that was reached.

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On that basis, we will dismiss the appeal but we feel that we should say that in the course of doing so, it is apparent that we have found that the statement of the accused was not involuntary and the learned trial Judge was correct in the finding that he made in that respect.

The appellant also appealed on the ground of sentence. The appeal is dismissed.



PRESIDENT
FIJI COURT OF APPEAL