

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

CRIMINAL APPEAL NO. AAU0035 OF 2001S  
(High Court Criminal Case No. HAA042 of 2001)

BETWEEN:

OSEA BALEASAVU

*Appellant*

AND:

THE STATE

*Respondent*

Coram:

Reddy J R, President  
Eichelbaum, JA  
Gallen, JA

Hearing:

Monday, 13th May 2002, Suva

Counsel:

Ms M. Waqavonovono for the Appellants  
Mr Gregor Allan for the Respondent

Date of Judgment: Monday, 13th May 2002

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TRANSCRIPT OF ORAL JUDGMENT OF THE COURT

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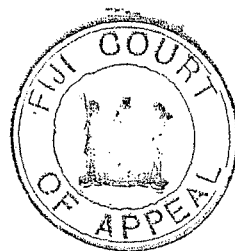
The appellant was convicted on one count of wrongful confinement under s256 of the Penal Code. His appeal to the High Court was dismissed. He applied for an extension of time for appealing, and seeks to appeal the conviction.

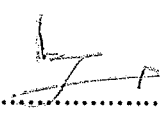
The background and issues are dealt with in another judgment delivered today, *Jonetani Sareka v the State* except that in this case there was no substitute conviction on a lesser charge. Counsel for the State accepts that the conviction should be quashed.

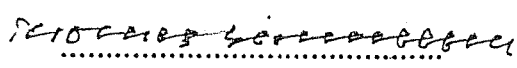
Result

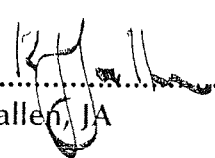
Time for appealing extended until date of filing of the Notice of application.

Appeal allowed; order quashing conviction and sentence .



  
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Reddy J R, President

  
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Eichelbaum, JA

  
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Gallen, JA

Solicitors:

Office of the Director of Legal Aid Commisison, Suva for the Appellant

Office of the Director of Public Prosecutions, Suva for the Respondent