

IN THE COURT OF APPEAL
ON APPEAL FROM THE HIGH COURT

CRIMINAL APPEAL AAU0012 of 2011
(High Court HAC 12 of 2010)

BETWEEN : **JASWANT KUMAR**

Appellant

AND : **FIJI INDEPENDENT COMMISSION AGAINST**
CORRUPTION

Respondent

Coram : **Calanchini P**
Malalgoda JA
Kumararatnam JA

Counsel : **Mr R Prakash for the Appellant**
Ms F Puleiwai for the Respondent

Date of Hearing : **16 May 2014**

Date of Ruling : **29 May 2014**

RULING

Calanchini P

[1] I agree with the order proposed by Kumararatnam JA.

Malalgoda JA

[2] I agree with the reasoning of Kumararatnam JA.

Kumararatnam JA

- [3] The Appellant was convicted after trial on 2 March 2010. He was charged on one count of Abuse of Office contrary to section 111 of the Penal Code Cap 17. He was sentenced to a term of imprisonment of 12 months. He subsequently filed an application for leave to appeal against conviction and sentence.
- [4] When this application for leave came before a single judge of the Court on 28 March 2014, the Appellant indicated that he wanted to abandon his appeal. A notice of abandonment of appeal had been filed on 14 March 2014.
- [5] In accordance with the Supreme Court decision in Masirewa v The State (unreported CAV 14 of 2008; 17 August 2010) the learned Justice of Appeal referred the application to the Full Court for determination under Rule 39 of the Court of Appeal Rules.
- [6] The Appellant informed this Court that he has served his sentence and confirmed that he wanted to abandon his appeal against conviction and sentence. Under those circumstances the application to abandon the appeal should be granted and the appeal dismissed.

Orders:

Appeal dismissed.

W. Calanchini

HON. MR JUSTICE CALANCHINI
PRESIDENT, COURT OF APPEAL



Malalgoda

HON. MR JUSTICE MALALGODA
JUSTICE OF APPEAL

Kumararatnam

HON. MR JUSTICE KUMARARATNAM
JUSTICE OF APPEAL