

**IN THE COURT OF APPEAL**  
**[On Appeal From The High Court]**

**CRIMINAL APPEAL NO: AAU0029 of 2013**  
**(High Court Case No: HAM232/12 &**  
**HAM263/12)**

**BETWEEN** : **JONE MASIREWA**  
*Appellant*

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

**Coram** : Goundar JA

**Counsel** : No Appearance by the Appellant  
Ms. J. Prasad for the Respondent

**Date of Hearing** : 29<sup>th</sup> May 2014

**Date of Ruling** : 2<sup>nd</sup> June 2014

**RULING**

- [1] The appellant is facing multiple charges of aggravated robbery. His trial is pending in the High Court at Lautoka. He applied for bail pending trial. On 8 February 2013, the High Court dismissed the application for bail and ordered the appellant to remain in custody on remand.
- [2] On 20 February 2013, the appellant filed an appeal against the High Court's decision refusing bail pending trial. An appeal against a bail decision can be taken with the leave of this Court (section 21 (3) of the Court of Appeal Act). A single judge has power to grant leave (section 35 (1) of the Court of Appeal Act).

[3] While the application for leave was pending, the appellant re-applied for bail in the High Court. On 26 July 2013, the High Court allowed the application and released the appellant on bail. Since then the appellant remained on bail.

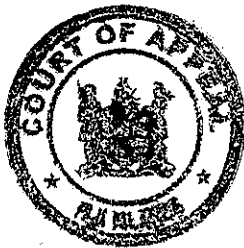
[4] In these circumstances, this appeal is academic. A single judge has power to summarily dismiss a frivolous appeal under section 35(2) of the Court of Appeal Act.


[5] In this case, I am satisfied the appeal cannot possibly succeed and is frivolous.

**Result**

[6] Leave to appeal is refused.

[7] The appeal is summarily dismissed under section 35(2) of the Court of Appeal Act.



  
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Hon. Justice D. Goundar  
**JUSTICE OF APPEAL**