

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

CRIMINAL APPEAL AAU 3 of 2015  
(High Court HAC 27 of 2010 at Lautoka)

BETWEEN : JONE NASARA *Appellant*

AND : THE STATE *Respondent*

Coram : Calanchini P  
Guneratne JA  
Prematilaka JA

Counsel : No appearance for the Appellant  
Mr M Korovou for the Respondent

Date of Hearing : 18 November 2016

Date of Ruling : 19 December 2016

RULING

[1] The Appellant was convicted in the High Court at Lautoka on one count of aggravated robbery contrary to section 311 of the Crimes Decree 2009. On 7 August 2011 the Appellant was sentenced to six years imprisonment.

- [2] The Appellant filed a notice of appeal against sentence on 17 April 2014. The notice was about 2½ years out of time. Then on 17 March 2016 the Appellant filed a notice of intention to abandon his appeal under Rule 39 of the Court of Appeal Rules.
- [3] When the application was called on for hearing there was no appearance by or on behalf of the Appellant. The Court was informed by Counsel for the Respondent that the Appellant had been released. The Appellant had not provided a forwarding address to enable notices to be served on him following his release. It would appear that he has not made contact with the Registry since his release. It would appear that he no longer intends to pursue his appeal. As a result the appeal against sentence is dismissed.

Orders:

*Appeal against sentence is dismissed.*



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

*J. Guneratne*  
.....  
Hon. Justice Guneratne  
**JUSTICE OF APPEAL**

*C. Prematilaka*  
.....  
Hon. Mr. Justice C. Prematilaka  
**JUSTICE OF APPEAL**