

IN THE COURT OF APPEAL
[On Appeal from the High Court]

CRIMINAL APPEAL NO: AAU0081/2012
[High Court Case No. HAC111/2009]

BETWEEN : KOSENI SAUSAU
SEMITI RAVAI
Appellants

AND : THE STATE
Respondent

Coram : Hon. Mr. Justice Daniel Goundar

Counsel : Mr. J. Savou for the 1st Appellant
2nd Appellant in person
Mr. Y. Prasad for the Respondent

Date of Hearing : 15 February 2016

Date of Ruling : 1 March 2016

RULING

[1] Following a trial in the High Court at Suva, the appellants were convicted of abduction contrary to section 252 of the Penal Code, Cap. 17, and sentenced to 3 years' imprisonment. They filed a joint application for leave to appeal against conviction and sentence. The initial grounds of appeal filed by the appellants in person are vague and lack details of the alleged errors. The grounds have not been perfected as of todate.

[2] At the leave hearing, there were no appearances by the appellants. Apparently, the appellants have served their sentences and have been released from prison. When the bailiff went to serve the notice of hearing at the last known address of service for the appellants, the appellants could not be located. The bailiff learnt that the 1st Appellant is in a business that requires him to travel to different parts of Fiji, while the 2nd appellant has re-allocated himself to an unknown address. After being released from prison, the

1st appellant has not been in contact with his counsel, Mr. Savou. According to the court file, the appellants have not contacted the Registry regarding their appeals or have advised the Registry of their new addresses for service.

[3] In these circumstances, I cannot say the appeals are arguable to grant leave.

[4] **Result**

Leave refused.



A handwritten signature in black ink, appearing to read "D. Goundar", is written above the printed name.

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Hon. Mr. Justice Daniel Goundar
JUSTICE OF APPEAL

Solicitors:

Office of the Legal Aid Commission for the 1st Appellant

2nd Appellant in person

Office of the Director of Public Prosecutions for the State