

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

CRIMINAL APPEAL AAU 72 OF 2015
(High Court HAC 79 of 2014 at Lautoka)

BETWEEN : **SENITIKI NADUA**

Appellant

AND : **THE STATE**

Respondent

Coram : **Calanchini P**
Lecamwasam JA

Counsel : **Mr M Fesaitu for the Appellant**
Mr M Vosawale for the Respondent

Date of Hearing : **16 November 2017**

Date of Ruling : **14 December 2017**

RULING

- [1] The Appellant was convicted in the High Court on 25 June 2015 for the offence of arson and was sentenced to a term of imprisonment of 3 years 11 months with a non-parole term of 3 years.

- [2] The Appellant subsequently filed a timely notice of appeal against sentence. On 8 June 2017 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme Court in **Masirewa -v- The State** (CAV 14 of 2008; 17 August 2010) the application to abandon the appeal was listed for hearing before the Court of Appeal. At the hearing the appellant confirmed that his decision to abandon the appeal was made voluntarily. He confirmed that he had received legal advice and that he understood the consequences in the event that his application were granted.
- [5] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

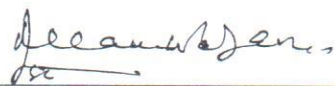
Orders:

Appeal against sentence is dismissed.





Hon Mr Justice Calanchini
President, Court of Appeal



Hon Mr Justice Lecamwasam
Justice of Appeal