

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

CRIMINAL APPEAL AAU 21 OF 2016
(High Court HAC 336 of 2013)

BETWEEN : SAKEASI BASAGA

Appellant

AND : THE STATE

Respondent

Coram : Calanchini P
Chandra JA

Counsel : Mr K Prasad for the Appellant
Mr R Kumar for the Respondent

Date of Hearing : 27 September 2018

Date of Ruling : 29 October 2018

RULING

Calanchini P

- [1] Following a trial in the High Court at Suva the appellant was convicted on seven counts of rape and sentenced to 9 years 9 months imprisonment on each count with a non-parole term of 8 years to be served concurrently.

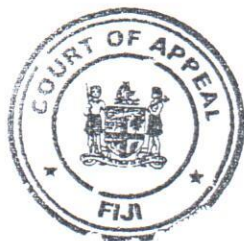
- [2] The Appellant subsequently filed a timely notice of appeal against sentence. On 27 September 2018 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules. In a Ruling delivered on 30 August 2018 his application for leave to appeal conviction was refused.
- [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.
- [4] Under the circumstances the application to abandon the appeals against sentence is granted and the appeal is dismissed.

Chandra JA

- [5] I agree.

Order:

Appeal against sentence is dismissed.



W. Calanchini

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

S Chandra

Hon Mr Justice S Chandra
JUSTICE OF APPEAL