

IN THE COURT OF APPEAL, FIJI  
ON APPEAL FROM THE MAGISTRATES COURT  
*Exercising extended jurisdiction*

CRIMINAL APPEAL AAU 23 OF 2017  
(Magistrates Court No: 14 of 2013 at Suva)

BETWEEN : VILIVE RAVOUVOU  
*Appellant*

AND : THE STATE  
*Respondent*

Coram : Calanchini P  
Chandra JA

Counsel : Appellant in person  
Mr R Kumar for the Respondent

Date of Hearing : 27 September 2018

Date of Ruling : 29 October 2018

RULING

Calanchini P

- [1] Following the trial in the Magistrates Court at Suva exercising the extended jurisdiction of the High Court the appellant along with one other (Sailosi Naivalulevu) were each convicted on one count of aggravated burglary and one count of theft. On 4 April 2016 the appellant and the co-offender were each sentenced to 2 years imprisonment.

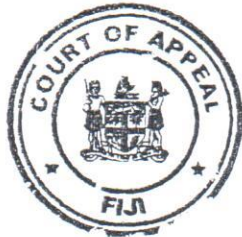
- [2] The Appellant subsequently filed a notice of appeal against sentence that was out of time by about 10 months. On 6 June 2018 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance with the decision of the Supreme 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 although he had not received legal advice he understood the consequences in the event that his application were granted.
- [4] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

**Chandra JA**

- [5] I agree.

Order:

*Appeal against sentence is dismissed.*



*W. D. Calanchini*

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

*S. Chandra*

Hon Mr Justice S Chandra  
JUSTICE OF APPEAL