

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

CRIMINAL APPEAL AAU 130 OF 2017  
(Magistrates Court No: 912 of 2016 at Lautoka)

BETWEEN : TALEMO WAQA  
*Appellant*

AND : THE STATE  
*Respondent*

Coram : Calanchini P  
Chandra JA

Counsel : No appearance 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] The appellant was convicted on his plea of guilty in the Magistrates Court at Lautoka exercising the extended jurisdiction of the High Court on one count of aggravated burglary and one count of theft. He was sentenced to 18 months imprisonment.

- [2] The Appellant subsequently filed a timely notice of appeal against sentence. On 21 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 there was no appearance by or on behalf of the appellant. The Court was informed that the appellant had served his sentence and was discharged on 29 July 2018.
- [4] Under the circumstances the applications to abandon the appeal against sentence is granted and the appeal is dismissed.


**Chandra JA**

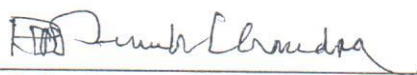
- [5] I agree.

Order:

*Appeal against sentence is dismissed.*



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

  
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Hon Mr Justice S Chandra  
JUSTICE OF APPEAL