

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

CRIMINAL APPEAL NO. AAU 127 OF 2017
(High Court HAA 40 of 2015)

BETWEEN : **KRISHNA MURTHI** *Appellant*

AND : **THE STATE** *Respondent*

Coram : **Calanchini P**
Chandra JA

Counsel : **Appellant in person**
Mr R Kumar for the Respondent

Date of Hearing : **22 November 2018**

Date of Ruling : **30 November 2018**

RULING

Calanchini P

- [1] The appellant pleaded guilty to a number of dishonesty counts in the Magistrates Court at Nadi. He was convicted accordingly and subsequently sentenced to 11 years 1 month imprisonment. The appellant subsequently filed a timely appeal against sentence in the High Court. On 6 May 2016 the High Court dismissed the appeal.

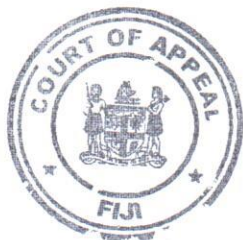
- [2] The Appellant subsequently filed a notice of appeal under section 22 of the Court of Appeal Act 1949 against sentence that was out of time by about 14 months. On 21 June 2018 the Appellant filed an application to abandon his appeal against sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [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 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 appeal against sentence is granted and the appeal is dismissed.


Chandra JA

- [5] I agree.

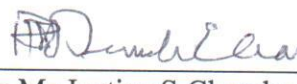
Orders:

Appeal against sentence is dismissed.





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



Hon Mr Justice S Chandra
JUSTICE OF APPEAL