

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

CRIMINAL APPEAL AAU 15 OF 2014
(High Court HAC 5 of 2013)

BETWEEN : **RAVINESH DEO**
ASHNEEL KAMAL

Appellants

AND : **THE STATE**

Respondent

Coram : **Calanchini P**
Chandra JA

Counsel : **Mr M Fesaitu for the Appellants**
Mr S Vodokisolomone for the Respondent

Date of Hearing : **22 February 2018**

Date of Ruling : **29 March 2018**

RULING

Calanchini P

[1] The Appellants were jointly charged with arson contrary to section 362 (a) of the Crimes Act 2009. They were convicted after trial in the High Court at Labasa and sentenced on 13 March 2014. The Appellant Deo was sentenced to 4 years and 10 months imprisonment with a non-parole term of 4 years. The Appellant Kamal was sentenced to 5 years imprisonment with a non-parole term of 4 years.

[2] The Appellants subsequently filed a joint notice of appeal against their convictions and sentences. On 12 December 2017 the Appellants filed applications to abandon their

appeals against sentence pursuant to Rule 39 of the Court of Appeal Rules. Leave to appeal against conviction had been refused and neither Appellant had sought to renew that application before the Full Court.

- [3] In accordance with the decision of the Supreme Court in Masirewa -v- The State (CAV 14 of 2008; 17 August 2010) the applications to abandon the appeals against sentence were listed for hearing before the Court of Appeal. At the hearing the appellant Deo 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 applications were granted. His reason for abandoning the appeal against sentence was the anticipated date of release was approaching.
- [4] The Appellant Kamal indicated to the Court that he now wished to proceed with his sentence appeal and sought leave to withdraw his notice of abandonment.
- [5] Under the circumstances the application by the Appellant Deo to abandon his appeal against sentence is granted and the appeal dismissed. The application by the Appellant Kamal is marked withdrawn.

Chandra JA

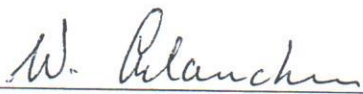
- [6] I agree.

Orders:


Appeal by Deo against sentence is dismissed.

Appeal by Kamal against sentence is listed for mention on 19 March 2018 at 11.30a.m.





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



Hon Mr Justice S. Chandra
JUSTICE OF APPEAL