

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

**CRIMINAL APPEAL NO. AAU 148 OF 2014**  
**(High Court HAC 5 of 2010)**

**BETWEEN** : **MAHENDRA MOTIBHAI PATEL** *Appellant*

**AND** : **FIJI INDEPENDENT COMMISSION  
AGAINST CORRUPTION** *Respondent*

**Coram** : **Calanchini P  
Chandra JA**

**Counsel** : **Ms L Prasad for the Appellant  
Ms S Fatafehi for the Respondent**

**Date of Hearing** : **28 May 2019**

**Date of Ruling** : **27 June 2019**

**RULING**

**Calanchini P**

[1] The appellant was convicted, in his absence, by the High Court at Suva, on one count of abuse of office. On 24 November 2014 the appellant was sentenced to 12 months imprisonment to commence from the date of his arrest for which a bench warrant had been issued.

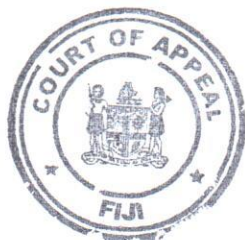
- [2] The Appellant subsequently through his legal practitioners filed a timely notice of appeal against conviction and sentence. On 1 April 2019 the Appellant filed an application to abandon his appeal against conviction and sentence pursuant to Rule 39 of the Court of Appeal Rules.
- [3] In accordance 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. The appellant was represented by Counsel but did not appear personally. Counsel informed the Court that instructions had been received from the appellant to withdraw the appeal. Counsel informed the Court that the appellant had given instructions that his decision was made voluntarily and that he was aware of the consequence in the event that the application were granted.
- [4] Under the circumstances the application to abandon the appeal against conviction and sentence should be granted and the appeal dismissed.

**Chandra JA**

- [5] I agree.

Order:

*Appeal against conviction and 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**