

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

CRIMINAL APPEAL NO. AAU 11 OF 2018
(High Court HAC 31 of 2012)

BETWEEN : VIMLESH CHAND *Appellant*

AND : THE STATE *Respondent*

Coram : Calanchini P

Counsel : No appearance by the Appellant
Ms S Kiran for the Respondent

Date of Hearing : 24 June 2019

Date of Ruling : 19 July 2019

RULING

- [1] Following a trial in the High Court at Suva the appellant was convicted on one count of possession of an illicit drug being cannabis with a weight of 4.1kg. On 1 March 2016 he was sentenced to 3 years 9 months imprisonment with a non-parole term of 27 months. In addition he was fined \$2,000.00 which amount has been paid.

- [2] On 17 January 2018 the appellant filed a notice of appeal against sentence that was out of time by over 12 months. By letter filed on 2 March 2019 the appellant applied to withdraw his sentence appeal.
- [3] When the case was called for mention on 24 June 2019 the Court was informed that the appellant was challenging the fine imposed by the sentencing Judge and as the appellant had not provided a forwarding address for the service of notices the appeal is dismissed under section 35(2) of the Act as vexatious.

Order:

Appeal against sentence dismissed under section 35(2) of the Court of Appeal Act.



W. Calanchini

Hon Mr Justice W D Calanchini
PRESIDENT, COURT OF APPEAL