

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

CRIMINAL APPEAL NO. AAU 74 OF 2016
(High Court HAC 192 of 2015)

BETWEEN : SUNDAR KAUR *Appellant*

AND : THE STATE *Respondent*

Coram : Calanchini P
Chandra JA

Counsel : Ms S Nasedra for the Appellant
Ms S Kiran for the Respondent

Date of Hearing : 20 November 2019

Date of Ruling : 11 December 2019

RULING

Calanchini P

[1] The appellant was convicted on her plea of guilty on one count of murder by the High Court at Lautoka. On 3 June 2016 the appellant was sentenced to the mandatory term of life imprisonment with a minimum term of 14 years to be served before a pardon may be considered.

- [2] The Appellant subsequently filed a timely notice of appeal against sentence. On 10 May 2019 the Appellant filed an application to abandon her 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 her decision to abandon the appeal was made voluntarily. She advised the Court that she had not received legal advice but that she understood the consequences in the event that her application were granted. She confirmed to the Court that she did not wish to seek further legal advice on her decision to abandon her sentence appeal.
- [4] Under the circumstances the application to abandon the appeal against sentence is granted and the appeal is dismissed.

Chandra JA

- [5] I agree.

Order:

Appeal against 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