

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CONSTITUTIONAL JURISDICTION**

**Application Nos. HBM 03 & 04 of 2017**

**GUSTON KEAN**  
**[Applicant]**

vs.

**ATTORNEY GENERAL OF FIJI**  
**[1<sup>st</sup> Respondent]**

&

**DIRECTOR LEGAL AID COMMISSION**  
**[2<sup>nd</sup> Respondent]**

**Date of Ruling** : 23 February 2017

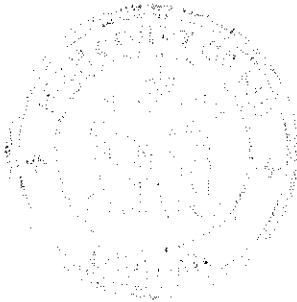
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**R U L I N G**

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- [1] By way of Notice of Motion and Accompanying Affidavit the applicant applies not once but twice for constitutional redress against a decision of the Legal Aid Commission not to represent him in a Civil Action against the Commissioner of Police.
- [2] The same application was made to this Court on the 22<sup>nd</sup> September 2016 and refused, it being out of time.

- [3] Legal Aid was first refused by the Commission on the 2<sup>nd</sup> July 2016 which is the date that time starts running.
- [4] In the September application that was refused, the Applicant attached all the correspondence from the Legal Aid Commission, however in this new application he has only attached the final letter dated 20 December 2016. He then deceitfully claims that on the basis of this later letter his application is within time.
- [5] This Court will not hear applications that are both dissembling and *res judicata*.
- [6] The applications are dismissed.



A handwritten signature in black ink, appearing to read 'Paul K. Madigan'.

**Paul K. Madigan**  
**Judge**

**At Lautoka**

23 February 2017