

IN THE HIGH COURT OF FIJI

AT SUVA

APPELLATE JURISDICTION

Crim. Appeal Case No: HACDA 05 OF 2025S

BETWEEN : **FIJI INDEPENDENT COMMISSION AGAINST
CORRUPTION**

APPELLANT

AND : **KALAVETI VODO RAVU
TEKATA TOAISI**

RESPONDENTS

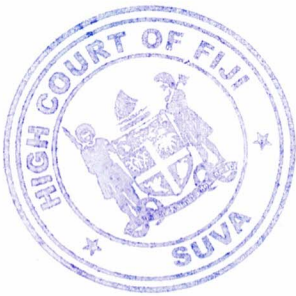
Date of Ruling : **10 April 2025**

Counsel : **Mr L Fotofili for the Appellant
Ms L Rokoika for the Respondents**

RULING

- [1] On 28 March 2025, the Fiji Independent Commission Against Corruption (FICAC) filed an appeal against the acquittal of the Respondents on Abuse of Office and Aiding and Abetting Abuse of Office charges by the Magistrates' Court at Suva.
- [2] On 8 April 2025, the Respondents filed a Notice of Motion seeking summary dismissal of FICAC's appeal.

- [3] Section 251 of the Criminal Procedure Act 2009 provides for summary dismissal of appeals from the Magistrates' Court. However, that jurisdiction is specifically limited to appeals against conviction and sentence. The Court does not have power to summarily dismiss an appeal against acquittal.
- [4] The Respondents' Notice of Motion to summarily dismiss FICAC's appeal is therefore struck out for want of jurisdiction.
- [5] FICAC's appeal shall proceed in the normal course.
- [6] Costs in the cause.



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Hon Mr Justice Daniel Goundar

Solicitors:

Acting Deputy Commissioner for FICAC for the Appellant
Rokoika & Vakalalabure Lawyers for the Respondents