

IN THE COURT OF APPEAL, FIJI  
On appeal from the High Court of Fiji

CRIMINAL APPEAL AAU 22 OF 2014  
(Magistrates Court 116 of 2012)  
(High Court HAM 83 of 2012)

BETWEEN : JONE WAQALEVU  
*Appellant*

AND : THE STATE  
*Respondent*

Coram : Calanchini P  
Guneratne JA  
A. Fernando JA

Counsel : Mr S Waqainabete for the Appellant  
Ms P Madanavosa for the Respondent

Date of Hearing : 16 September 2016

Date of Ruling : 30 September 2016

RULING

[1] The Appellant was convicted by the Magistrates Court at Suva on one count of act with intent to cause grievous harm contrary to section 255(a) of the Crimes Decree 2009. On

26 July 2012 he was sentenced to a term of imprisonment of 5 years with a non-parole term of 2 years. Subsequently the Appellant filed a notice of appeal against sentence dated 21 August 2012. On 6 May 2016 the Appellant filed an application for leave to abandon his appeal against sentence.

- [2] When the application came on for hearing before the Court of Appeal the Appellant had already been released having served his sentence. There was no appearance by the Appellant, although Counsel appeared on his behalf.
- [3] Under the circumstances the application to abandon the appeal against sentence is granted.

Order

*Appeal against sentence is dismissed.*



Hon. Mr Justice W. D. Calanchini  
PRESIDENT, COURT OF APPEAL



Hon. Mr Justice Guneratne  
JUSTICE OF APPEAL



Hon. Mr Justice A. Fernando  
JUSTICE OF APPEAL