

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

CRIMINAL APPEAL NO. AAU 82 OF 2015
(High Court HAC 349 of 2013)

BETWEEN : NAVITALAI TAMANITOAKULA

Appellant

AND : FIJI INDEPENDENT COMMISSION AGAINST
CORRUPTION

Respondent

Coram : Calanchini P

Counsel : No appearance for the Appellant
Ms. F. Puleiwai for the Respondent

Date of Hearing : 3 July 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 causing a loss contrary to section 324(2) of the Crimes Act 2009. On 24 June 2015 the appellant was sentenced to 4 years imprisonment with a non-parole term of 2 ½ years.

There were three others tried and convicted on various corruption and dishonesty offences at the same time. They received sentences of various terms of imprisonment at the same time as the appellant.

- [2] The appellant subsequently filed a timely notice of appeal against conviction and sentence. In a written Ruling delivered on 5 May 2017 the appellant was granted leave to appeal against conviction on limited grounds of appeal and refused leave to appeal against sentence. The three appellants who appeared represented by counsel were all granted leave to appeal against conviction on at least one ground. However, it appears that no appeal records were even lodged by the appellants for certification by the Registrar.
- [3] When the appeal was listed for mention on 8 April 2019 the Court was informed that the appellant had been discharged on 23 December 2018. The appeal was recalled on 3 July 2019 and the Court was informed that the appellant had failed to provide a forwarding address for service of notices. His whereabouts are unknown. As a result his appeal is dismissed under section 35(2) of the Court of Appeal Act.

Order:

The appeal against conviction and sentence dismissed under Section 35(2) of the Court of Appeal Act.



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