

IN THE COURT OF APPEAL
[On Appeal from the High Court]

CRIMINAL APPEAL NO. AAU 0138 OF 2014
[Magistrate Court Case No. CF 345 of 2012]

BETWEEN : **MATAIASI NAVUGONA**

Appellant

AND : **THE STATE**

Respondent

Coram : **Basnayake, JA**
A.Fernando, JA
S. Jayamanne, JA

Counsel : **Mr. S. Waqainabete for the Appellant**
Mr. M. D. Korovou for the Respondent

Date of Hearing : **11 February 2016**

Date of Judgment : **26 February 2016**

RULING

Basnayake JA

I agree that this appeal be dismissed.

Jayamanne JA

1. This is an application for leave to abandon an appeal.
2. The appellant was charged on two counts namely; Aggravated Robbery on 10th of July 2011 contrary to section 311(a) of the Crimes Decree, No 44 of 2009. He was convicted on his own plea and was sentenced for 4 years on both counts on 29th October 2014. The sentences were to run concurrently with a non-parole period of 2 years of imprisonment.
3. The accused-appellant filed a notice of leave to appeal against the sentence. However on 10th November 2014 the appellant had submitted a notice to the Registrar of the Court of

Appeal moving to abandon his appeal. As a result the application was transmitted to the Court of Appeal for consideration pursuant to Rule 39 of the Court of Appeal Rules.

4. When this case was listed before the Full Court the appellant was present and he was represented by counsel. The learned counsel informed court that the move to withdraw this appeal was by the appellant whose decision was voluntary and without the use of any pressure from anyone. The appellant confirmed this position. He stated that he made this decision on his own free will and without any pressure. He had already served two years of his sentence. The appellant was warned by court that in the event of allowing this application that the appeal would be dismissed and the appellant would not be able to revive this appeal again. The appellant understood the consequences of the abandonment.
5. Being satisfied that there was no inducement or pressure on the appellant to abandon this appeal and the fact the move to abandon the appeal was made voluntarily by the appellant the application to withdraw the appeal is allowed. The appeal is thus dismissed.
6. **A. Fernando JA**
I too agree that this appeal be dismissed.

Order of the Court

Appeal dismissed.



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Hon. Mr. Justice E. Basnayake
JUSTICE OF APPEAL

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Hon. Mr. Justice A. Fernando
JUSTICE OF APPEAL

A handwritten signature in blue ink, appearing to be "S. Jayamanne".

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Hon. Mr. Justice S. Jayamanne
JUSTICE OF APPEAL