

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

CRIMINAL APPEAL NO. AAU 0081 OF 2014
[High Court Case No. HAC 035 of 2013]
[Nausori Magistrate Court Case No. 1067/2012]

BETWEEN : **EDWIN PRANIL SHANKAR** *Appellant*

AND : **THE STATE** *Respondent*

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

Counsel : Mr. J. Savou for the Appellant
Mr. M. D. Korovou for the Respondent

Date of Hearing : 11 February 2016

Date of Judgment : 26 February 2016

JUDGMENT

Basnayake JA

I agree with the judgment of A. Fernando JA.

A. F. T. Fernando JA

[1] This was an application by the Appellant in Criminal Appeal No. AAU 0081 of 2014, for Abandonment of the Appeal filed against his conviction by the Magistrate Court of Fiji, at Nausori on the 20th of June 2013 for the offence of Obtaining Financial Advantage by Deception and the sentence of 2 years imprisonment, with a non-parole period of one year and six months imposed on him; which had been confirmed by the High Court in appeal. The Appellant had sought leave to appeal against his conviction.

[2] At the hearing before us the Appellant was not present as it was obvious that he had already spent his prison term and had been released. His Counsel confirmed that he had already been released from prison and does not intend to pursue the appeal.

[3] I am satisfied that the Appellant is no more interested in pursuing this appeal and would therefore dismiss the appeal.

S. Jayamanne JA

[4] I agree with the reason and conclusion arrived at by A. Fernando JA.

The Orders of the Court are:

1. *Application to abandon the appeal is allowed.*
2. *The Appeal is dismissed.*



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Hon. Justice E. Basnayake
JUSTICE OF APPEAL

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Hon. Justice A. Fernando
JUSTICE OF APPEAL

Handwritten signature of S. Jayamanne in blue ink.

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Hon. Justice S. Jayamanne
JUSTICE OF APPEAL