

**IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY**

**CRI 2009-404-1**

BETWEEN

RAJENDRA PRASAD  
Appellant

AND

MINISTRY OF ECONOMIC  
DEVELOPMENT  
Respondent

Hearing: 23 June 2009

Appearances: Appellant in person  
Tom Molloy for Respondent

Judgment: 23 June 2009

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**JUDGMENT OF HARRISON J**

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**SOLICITORS**

Meredith Connell (Auckland) for Respondent  
(copy to Appellant in person)

[1] Mr Rajendra Prasad was convicted in the District Court at Auckland on charges of failing, first, to attend upon the liquidator of World Commerce NZ Ltd when required by a notice in writing to do so and, second, to supply the liquidator with information about the business, accounts, or affairs of World Commerce when required by a notice in writing (s 261 Companies Act 1993). Mr Prasad was found guilty on both charges by Judge Christopher Field following a defended summary hearing. The Judge sentenced Mr Prasad to 100 hours community work upon conviction.

[2] Mr Prasad filed an appeal in person against both conviction and sentence. He later retained the services of Mr Paul Dalkie as counsel. Mr Dalkie appeared before Potter J on 26 May 2009. The Judge adjourned the hearing of Mr Prasad's appeal on Mr Dalkie's application given his very recent instructions. She noted that Mr Dalkie had given Mr Prasad 'general advice about the unmeritorious nature of his appeal against conviction' but that he required time to obtain further instructions on the sentence appeal.

[3] While Potter J's minute does not expressly record this fact, Mr Tom Molloy, who appears for the Ministry in opposition to the appeal, advises that Mr Dalkie expressly withdrew Mr Prasad's appeal against conviction on 26 May. A perusal of Judge Field's decision and the relevant evidence confirms Mr Dalkie's assessment of its unmeritorious nature. However, the sentence appeal remains alive.

[4] Mr Dalkie appeared this morning. He had earlier given the registry notice that he was now without instructions. I appreciate his courtesy in appearing and confirm that he is granted leave to withdraw.

[5] Mr Prasad argued his sentence appeal himself. As Mr Molloy points out, Mr Prasad has not identified any grounds in support. I should note that a person convicted of either of the relevant offences is liable to a fine not exceeding \$50,000 or imprisonment for a term not exceeding two years.

[6] In oral argument this morning Mr Prasad does not challenge the imposition of a term of community work. He simply argues that 100 hours was excessive. He

says it should have been 50 hours because he has his own employment obligations. However, I note that he made the same submission to Judge Field, who rejected it. I have no grounds to disagree with the Judge that a sentence of 100 hours community work was appropriate.

[7] Accordingly, Mr Prasad's appeal against sentence is dismissed.

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Rhys Harrison J