

ARSHAD MAHMOOD CHATHA

v

THE QUEEN

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: Applicant in Person

Judgment: 29 August 2006

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] By an application made on 24 July 2006, long out of time, Mr Chatha seeks leave to appeal directly to this Court against a decision of the High Court.¹ In the meantime he has been refused leave by the Court of Appeal for an appeal to that Court.²

[2] Although there is no statutory bar, save the time limitation, against the direct

¹ *Chatha v New Zealand Police* CRI 2005 454 22 17 August 2005.

² *R v Chatha* CA 332/05 17 November 2005.

appeal, this Court has more than once pointed out that unless there are truly compelling circumstances a direct appeal will not be permitted when its effect would be to circumvent the inability of the applicant to appeal against the Court of Appeal's order refusing leave.³ All the more so when the application is made so long afterwards.

[3] An applicant for leave for a direct appeal has in any event also to show that there are exceptional circumstances.⁴

[4] We are satisfied, for the reasons given by the Court of Appeal, that leave should not be given. No arguable question of general or public importance arises, nor is there any appearance of miscarriage of justice. The applicant's submissions seek to ventilate a baseless theory combining both alleged disloyalty on the part of his counsel in the District Court and alleged bias by both the District Court Judge and the High Court Judge, together with some misunderstanding of the law, as has been explained to him in the judgments below. The only legal point of possible significance, which concerned s 14 of the Summary Proceedings Act 1957, has been convincingly dealt with by the Court of Appeal. The informations were not laid out of time.

[5] For these reasons the application is dismissed.

Solicitors:
Crown Law, Wellington

³ *Young v Land Transport Safety Authority* [2005] NZSC 51; *Burke v The Western Bay of Plenty District Council* [2005] NZSC 46; and *R v Clarke* [2005] NZSC 60. See also *Simpson v Kawerau District Council* (2004) 17 PRNZ 358.

⁴ Supreme Court Act 2003, s 14.