

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.**

**Cr. Misc. No. 01/2017
In
Cr. Review. No. 01/2017
In
Cr. Appeal No. 01/2016.**

Himayatullah Khan

Petitioner.

Versus

Mir Shakeel-ur-Rehman & another

Respondents.

PRESENT:-

1. Nemo for the petitioner.
2. Mr. Muhammad Issa senior Advocate on behalf of the respondent No. 01.
3. The Advocate General Gilgit-Baltistan for the State.

DATE OF HEARING: - 28.09.2017.

ORDER.

Dr. Rana Muhammad Shamim, CJ..... This Cr. Review Petition has arisen out of the Common Impugned Judgment dated 30.09.2016 passed by this Court whereby both the Cr. Appeal No. 01/2016 filed by Mir Shakeel-ur-Rehman and Cr. Appeal No. 15/2016 filed by Ms. Shaista Lodhi, Ms. Veena Malik and Mr. Asad Bashir Khattak were allowed and they were acquitted from all charges.

2. The Review Petition has been filed belatedly after unexplained delay of more than three (03) months. The petitioner, however, also filed Cr. Misc. No. 01/2017 for condonation of delay stating therein that this Court has passed the Common Impugned Judgment in total disregard to the provisions contained in Order

XXIII Rule 7 of The Supreme Appellate Court Rules 2008. As per petitioner, no limitation runs for filing review petition against the said void Common Impugned Judgment. It is further averred that the delay in filing this Cr. Review Petition is not intentional nor negligence on the part of the petitioner which, however, is not substantiated with any supportive case law(s).

3. The grounds raised in the said application for condonation of delay are not reasonable and plausible, hence, the same cannot be considered as held by this Court in cases reported as 2016 GBLR 12 and 2016 GBLR 244 and by the apex court of Pakistan in cases reported as 1990 SCMR 1377, 1991 SCMR 1022, 1998 SCMR 292, 1998 SCMR 1087, whereby it is held that even one day unexplained delay in filing the petition(s) was not condoned.

4. Mr. Muhammad Issa senior Advocate for the respondent No.01 submits that Mir Shakeel-ur-Rehman was/is the only target of the petitioner for ulterior motives as the Review Petitions, against the rest of three (03) petitioners in Cr. Appeal No. 15/2016 namely (i). Ms. Shaista Lodhi (ii). Ms. Veena Malik and (iii). Mr. Asad Bashir Khatak, were not filed who were also acquitted alongwith Mir Shakeel-ur-Rehman vide said Common Impugned Judgment dated 30.09.2016 passed by this Court. The Review Petition filed only against the respondent Mir Shakeel-ur-Rehman is discriminatory in nature. Per learned counsel, the respondent No.1 Mir Shakeel-ur-Rehman has no concerned with the management of

the “Morning Show” telecast in question. The said show was organized and managed by the Independent Media Corporation which is a private corporation. Neither the respondent NO.01 Mir Shakeel-ur-Rehman was the Director or Member nor the Manager/Organizer of the said Morning Show. He reiterates that the respondent No. 01 Mir Shakeel-ur-Rehman was neither a share holder nor any Executive Director of the “Geo Channel” in terms of section 156 of The Companies Ordinance 1984. He also submits that the petitioner misinterpreted Order XXIII Rule 7 of The Supreme Appellate Court Rules 2008 which deals with the condemned prisoners. He prays that the Common Impugned Judgment passed by this Court is well reasoned and well founded, hence, Review Petition filed by the petitioner is not maintainable and liable to be dismissed. The learned Advocate General Gilgit-Baltistan has not controverted the law laid down by this Court and by the apex Court of Pakistan regarding the dismissal of petition(s) on the point of unexplained delay even for one day.

5. We have gone through the averments made by the petitioner in Review Petition, heard the learned counsel for the respondent No.01 Mir Shakeel-ur-Rehman, the learned Advocate General for respondent No.02, The State and also gone through the case laws referred above. The Order XXIII Rule 7 of The Supreme Appellate Court Rules 2008 referred by the petitioner in support of condonation of delay is also not applicable. No infirmity and illegality is pointed out in the Common Impugned Judgment of this

Court by the petitioner, hence, the same is sustainable. The Cr. Review Petition filed by the petitioner is hopelessly barred by time for a period of more than three (03) months. Consequently, This Cr. Review Petition is dismissed by maintaining the Common Impugned Judgment dated 30.06.2016 in Cr. Appeal No. 01 & 15/2016 passed by this Court.

6. The Cr. Review Petition No. 01/2017 is dismissed alongwith the listed Misc. Application in above terms.

Chief Judge.

Judge.