

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

Before:-

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

Under Objection No. 186/2017

**In
Cr.PLA NO. 40/2017.**

Tahir Iqbal & others

Petitioners.

Versus

Abdul Ghaffar and another

Respondents.

PRESENT:-

1. Mr. Muhammad Abbas Khan Advocate for the petitioners.

DATE OF HEARING: - 02.04.2018.

ORDER

This petition has arisen out of the impugned order dated 17.11.2017 in Cr. PLA No. 40/2017 passed by this Court whereby the said Cr. PLA is disposed off with the directions to the petitioners to file proper application alongwith compromise/affidavit for an appropriate order, hence, this petition for leave to appeal.

2. The learned counsel for the petitioners submits that complainant party does not want to prosecute and prolong the case due to compromise by the intervention of the notables of the vicinity. He also submits that both the parties belong to District Astore and some ladies are also involved in the case and their statement is also required to be recorded before the Trial Court, hence, it is feasible for the parties to appear before the learned Session Court at Astore instead of the learned Anti-Terrorism

Court. He further submits that the learned Chief Court has already transferred the case to learned Sessions Judge at Astore and Section 6/7 of Anti-Terrorism Act, 1997 has also been deleted on the directives of the learned Chief Court Vide Order Dated 13.09.2017. He prays that this Hon'ble Court may graciously accept this Review Petition by directing the Sessions Court Astore to decide the matter in the light of the compromise deed affected between the parties with the intervention of notables of the locality while setting aside the order dated 17.11.2017 passed by this apex Court.

3. We have heard the learned counsel for the petitioners at length, perused the materials on record and gone though the impugned order dated 17.11.2017 passed by this Court. The perusal of the record transpires that this Review Petition has been filed against a compromise deed affected between the parties which has been disposed-off by this Court vide the impugned order dated 17.11.2017. This Review Petition is not maintainable as the same has been filed against a compromise deed. Secondly, the Review Petition is also under objection on the ground that Mr. Muhammad Abbass learned counsel for the petitioners was neither remained the advocate nor Advocate-on-Record for the petitioners at the time of hearing of the original petition, hence, he cannot appear in this case on behalf of the petitioners under Order XXVI Rule 6 of this Court . As per the said rule "except with the special leave of the Court, no application for review shall be entertained unless it is drawn by the advocate who appeared at the hearing of the case in

which the judgment or the order, sought to be reviewed, was made. Nor shall any advocate, except such advocate, be heard in support of the application for review, unless the Court has dispensed with the requirement aforesaid". It is an admitted fact that Mr. Muhammad Abbass advocate did not appear at the hearing of the original petition/appeal, he, therefore, could not appear in the Review Petition as of right.

4. In view of the above discussions and in our considered view, this Review Petition is not maintainable. Consequently, we dismiss this petition by maintaining the impugned order dated 17.11.2017 passed by this Court. The petitioners are directed to appear in the Anti-Terrorism Court at Gilgit in pursuance of our aforementioned order.

5. The Petition is dismissed in above terms.

Chief Judge.

Judge.