

IN THE SUPREME COURT OF NEW ZEALAND

SC 116/2014
[2015] NZSC 4

BETWEEN RAZDAN RAFIQ
Applicant

AND COMMISSIONER OF NEW ZEALAND
POLICE
Respondent

Court: McGrath, Glazebrook and O'Regan JJ

Counsel: The Applicant in Person
A F Todd for Respondent

Judgment: 16 February 2015

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B Costs of \$2,500 are awarded to the respondent.**
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REASONS

[1] Mr Rafiq applies to this Court for leave to appeal against the decision of Wild J in the Court of Appeal.¹ In that decision, Wild J dismissed Mr Rafiq's application for review of a decision of the Registrar of the Court of Appeal. The decision of the Registrar dealt with an application by Mr Rafiq for an order dispensing with security for costs in relation to an appeal by Mr Rafiq against a decision of Courtney J in the High Court.² Courtney J dismissed Mr Rafiq's application for leave to bring a defamation action against the Commissioner of

¹ *Rafiq v The Commissioner of the New Zealand Police* [2014] NZCA 492 (Wild J).

² *Rafiq v Commissioner of New Zealand Police* [2014] NZHC 814 (Courtney J).

Police after the expiration of the two year period provided for in s 4(6A) of the Limitation Act 1950.

[2] Wild J applied the principles in relation to dispensing with security for costs in the Court of Appeal that were settled by this Court in *Reekie v Attorney-General*.³ Accordingly, the proposed appeal does not raise any issue of general or public importance. However, Mr Rafiq argues that leave should be granted because a substantial miscarriage of justice has occurred or will occur if leave is not given. However, nothing in the material he has placed before this Court indicates that Wild J erred in any respect in his application of the principles stated in *Reekie v Attorney-General*. We are therefore satisfied that there is no risk of a miscarriage of justice.

[3] The application for leave to appeal is therefore dismissed.

[4] Costs of \$2,500 are awarded to the respondent.

Solicitors:
Crown Law Office, Wellington for Respondent.

³ *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737.