

## Farrhat Arshad KC



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### Profile

Described by Legal 500 as a, *“skilled and determined defence lawyer”* Farrhat is instructed in serious crime, including murder, serious sexual offences, protest cases, drugs, firearms and fraud, and in Criminal Appeals. Her civil work centres on Judicial Reviews arising out of both criminal and prison law, including challenges to CCRC decisions and Parole and categorization decisions and appeals by way of case stated. In Appeals, Farrhat is frequently instructed as fresh counsel in out of time appeals to the Court of Appeal in relation to both conviction and sentence. She also undertakes appeals to the Privy Council. She was described by Legal 500 2022 as, *“the consummate appeals barrister with an instinctive feel for the shape of an appeal. She is a leader in this field.”*

Farrhat is recommended as a leading junior in Crime in Legal 500. She was profiled as a “Future star of the Bar”, by Times Online. Farrhat is described by Legal 500 2023 as an *“advocate with a strong intellect. She thinks hard and bravely about her cases, always looking for a way to promote her clients' interests.”*

Farrhat accepts both privately and publicly funded instructions and accepts cases under the **Public Access** scheme. Please contact Matthew Butchard for further details.

## Education

Jurisprudence. BA (Hons) (Oxford)

LLM in Public International Law (LSE)

## Related practice areas

Criminal Law

Criminal Appeals

## Serious Criminal Offences

Farrhat is instructed to defend in a wide variety of serious offences, usually as junior alone. Her recent instructions include the following:

- **R v AM** – Attempted Murder; Snaresbrook CC.
- **R v AM** - Rape. Defendant taxi driver; Kingston CC.
- **R v YHB** – Rape. Defendant aged 15. Snaresbrook CC. Acquitted.
- **R v BM** – Possession of Indecent images. Unfit to plead. Jury found acts not proven.
- **R v MS** – Trafficking; Controlling prostitution for gain. Harrow CC. Guilty plea.
- **R v JH** – Conspiracy to murder and Possession of firearm with intent. Acquitted.
- **R v PP** – Attempted murder of husband. Harrow CC. Acquitted.
- **R v TW** – Fraud and money laundering. Luton CC. Acquitted of fraud.
- **R v VR** – Historic sexual offences. Reading CC. Acquitted.
- **R v SD** – Historic sexual abuse. Chelmsford CC. Acquitted.

## Criminal Appeals

Farrhat is a very experienced appellate barrister, acting in both conviction and sentence matters in the Court of Appeal. She has been described by the Court as presenting cases with, “conspicuous skill”. Her appellate practice also includes applications to the High Court, by way of case stated, to the Privy Council and to the Criminal Cases Review Commission.

Farrhat accepts direct access instructions.

Farrhat authored chapter 3, "Appeals to the High Court by way of Case Stated" in the 3rd edition of Taylor on Criminal Appeals, (OUP, 2022).

### **Recent appellate cases include:**

- **R v Hanson** [2023]. Appeal against Detention for Public Protection sentence imposed in 2007. Farrhat was instructed as fresh counsel. An application for permission to appeal was made out of time (15 year extension required). The Appeal was allowed and the sentence quashed and replaced with an Extended Sentence.
- **R v Musharraf** [2023] 4 WLR 4. Out of time Appeal against conviction and sentence. Farrhat instructed as fresh counsel.
- **R v Akgun** [2022] EWCA Crim 1420. Farrhat acted as fresh counsel in an appeal against the minimum term for murder imposed by the High Court following the prisoner's transfer to England. The case concerned the prohibition on more severe sentences contained in the treaty between Germany and England on the transfer of prisoners.
- **R v Arden** [2022] EWCA Crim 906. Farrhat was instructed as fresh counsel by the Registrar of the Court of Appeal in this appeal against conviction. The Appeal was allowed, the conviction quashed and no re-trial ordered.
- **R v BQC** [2021] EWCA Crim 1944. Farrhat was junior counsel (led by Sarah Elliott QC) in this appeal against conviction. The Appeal was allowed. The Court set out guidance as to when written directions were required.
- **R v Ali** [2021] EWCA Crim 1131. Farrhat was instructed as fresh counsel in this appeal against sentence imposed on a youth. The appeal was allowed and the sentence reduced, allowing A's immediate release.
- **R v Ahamdzai** [2021] EWCA Crim 894. Farrhat was instructed as fresh counsel by the Registrar of the Court of Appeal in this appeal against sentence. The appeal was allowed and the sentence reduced from 11 to nine years' imprisonment.
- **R v Battersby** [2021] EWCA Crim 637. Farrhat was instructed as fresh counsel in this appeal against Imprisonment for Public Protection, imposed in 2005 . An extension of time of 15 years was granted. The Appeal was allowed, the finding of dangerousness quashed and the IPP replaced with a determinate sentence, allowing the appellant's

immediate release.

- **R v Esposito** [2021] 2 Cr App R (S) 39. Farrhat was instructed as fresh counsel in this appeal against the minimum term imposed for a double murder, made on the basis of exemplary conduct in prison.
- **R v Dickens** [2020] 1 WLR 2275. Farrhat was instructed as junior counsel (led by David Bentley QC) in this appeal against a murder conviction.
- **R v Gabbana** [2020] EWCA Crim 1473. Farrhat was instructed as junior counsel (led by Joel Bennathan QC) in this appeal against a murder conviction.
- **R v Bibi** [2020] EWCA Crim 524. Farrhat was instructed as fresh counsel in this appeal against sentence based on the youth of the appellant and the imminent separation of mother and child. The appeal was allowed and the sentence reduced, allowing the appellant's immediate release.
- **R v Phillips** [2020] EWCA Crim 126. Farrhat was instructed as fresh counsel in this out of time appeal against conviction. It was argued that the earlier informal identifications of the appellant on social media were unsafe.
- **R v Jodie Rana** [2018] EWCA Crim 725. Farrhat acted for the appellant, who had been convicted of arson and imprisoned. An out of time application to the Court of Appeal, based on fresh expert evidence was brought. The Court of Appeal, presided over by the LCJ, allowed Ms Rana's appeal against conviction, based on the fresh evidence.
- **R v McLellan and Bingley** [2018] 1 Cr App R (S) 18 - Farrhat acted for the appellant
- **Bingley** in the guideline case on SOPOs.
- **R v GG** [2018] EWCA Crim 1741 – Farrhat acted for the appellant GG, whose appeal against conviction in respect of the alternative counts was allowed.

She has acted for appellants in many conviction and sentence appeals establishing guidance in difficult areas: **R v Vowles and others** [2015] 2 Cr App R (S) 6 - Imprisonment versus Hospital Orders. Farrhat (together with Jeannie Mackie) acted for Mr Odiowei; **R v James Jones** [2010] 2 Cr App R 10 – entrapment/meaning of incitement in cannabis growing; **R v El Hudarey** [2008] EWCA Crim 1761 – application of “refugee defence” to false documents prosecution; **R v Edwards, Fysh, Duggan** [2006] 1 Cr App R 3 – early consideration of the bad character provisions in the Criminal Justice Act 2003; **R v Miller and Javaherifard** [2006] Imm A R 185 – meaning of “entry” in section 25 of the Immigration Act 1971.

She has a wealth of experience in challenging indeterminate sentences, both life imprisonment and imprisonment for public protection. Farrhat has successfully appealed against indeterminate sentences in the following cases:

- **R v Hanson** [2023]
- **R v Battersby** [2021] EWCA Crim 637
- **R v Raymond King** [2016] EWCA Crim 1303
- **R v Caine Kitchen** [2013] EWCA Crim 224
- **R v Brian Turner** [2013] EWCA Crim 250
- **R v Neville Kitt** [2012] EWCA Crim 622
- **R v Jamil Hydar** [2012] EWCA Crim 2539
- **R v Alex Booth** [2012] EWCA Crim 2229
- **R v Shauna Smith** [2012] EWCA Crim 1706
- **R v Dominic Bates** [2012] EWCA Crim 1103
- **R v Gareth White** [2012] EWCA Crim 681
- **R v Kevin McAllister** [2011] EWCA Crim 607
- **R v Aaron Casey** [2011] EWCA Crim 528
- **R v Arben Doci** [2010] EWCA Crim 2178
- **R v John Windsor** [2010] EWCA Crim 1660
- **R v Richard Teeder** [2010] EWCA Crim 1425
- **R v Simon Beilby** [2010] EWCA Crim 1172
- **R v Gareth Jones** [2009] EWCA Crim 2570
- **R v David Baird** [2006] EWCA Crim 993

Prison Law and Crime Related Public Law

Farrhat acts for claimants in judicial reviews arising out of prison law and criminal law, including the following:

- **Rowe v The Parole Board & SSJ** - JR arising out of a flawed Parole Board hearing where a prejudicial victim impact statement went before the Board and was not disclosed to the prisoner. The Court quashed the original decision and ordered a fresh hearing.
- **D'Cunha v The Parole Board** - JR claim by an IPP prisoner against a flawed oral parole hearing. Decision quashed and fresh review ordered. The fresh review resulted in the prisoner's release.
- **McD (John Joe) v Governor HM Prison Risley** - JR claim arising from Prison refusing to allow prisoner to have contact with his children. The decision was quashed and fresh consideration ordered.
- **Bampton v Parole Board** – Representing Claimant in Judicial Review against Parole Board's refusal to hold oral hearing. Oral hearing granted.
- **F v Bolton Crown Court** - JR claim against the decision of the Crown Court to impose an ASBO upon a 13 year old boy. The ASBO was quashed

## Protest Cases

Farrhat has been involved in a number of environmental protest and animal rights cases. In 2012 Farrhat acted for environmental protestors charged with aggravated trespass following protests against fracking in the Lancashire area. In 2011 Farrhat acted for one of the six environmental protestors charged with aggravated trespass at Ratcliffe on Soar power station. The trial collapsed when the Defence pursued disclosure relating to the role of undercover police officer Mark Kennedy/Stone. She was also instructed to represent those prosecuted for failing to complete the 2011 Census.