

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Acquittal Appeal No. S-34 of 2023

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| DATE OF HEARING | ORDER WITH SIGNATURE OF JUDGE |
|-----------------|-------------------------------|

1. For orders on MA No. 1491/2024 (U/A)
2. For orders on MA No. 1492/2024 (Restoration)

01.04.2024

Mr. Javed Ali Dhilloo, Advocate for appellant

1. Urgency is allowed.
2. The appellant by way of instant application u/s 561-A Cr.P.C has sought for restoration of his Criminal Acquittal Appeal so dismissed by this Court for non-prosecution.

I have heard learned counsel for the applicant and have perused the material available on record.

The order dated **04.03.2024** whereby the criminal acquittal appeal filed by the appeal was dismissed by this Court reads as under;

“Today, none has appeared on behalf of appellant nor any intimation is furnished despite issuance of notice. It seems that the appellant and his counsel have lost interest in the matter to pursue further therefore instant criminal acquittal appeal is dismissed for non-prosecution along with the listed application”

The perusal of the above said order prima facie indicates that the acquittal appeal so filed by appellant was dismissed by this Court when it comes to conclusion that the appellant has failed to pursue it miserably. No exception to such order could be taken now by way of instant application. The appellant even otherwise has not been able to explain his absence on **04.03.2024** when his criminal acquittal appeal was dismissed by this Court for non-prosecution. In that situation, it would be hard to order restoration of the criminal acquittal appeal of the appellant without any justified cause. Therefore, listed application for restoration of Criminal Acquittal Appeal stands dismissed.

J U D G E