

**IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR.**

Criminal Acquittal Appeal No.S-29 of 2024

Date of hearing: 24.10.2024

Date of decision: 24.10.2024

Appellant:- Mst. Saba Mughal, through Mr. Abdul Baqi Jan Kakar,
Advocate

JUDGMENT

ZULFIQAR ALI SANGI, J.- Through this Criminal Acquittal Appeal, the appellant has assailed the judgment dated 01.04.2023, passed by Civil Judge and Judicial Magistrate/PO Consumer Court, Sukkur, in Criminal Case No.307/2021, outcome of FIR bearing Crime No.103/2021, under Sections 380, 506/2 and 454 PPC, registered at PS 'A' Section Sukkur, whereby the private respondents/accused have been acquitted by extending them benefit of doubt.

2. The brief facts of the case are that on 20-06-2021, complainant Mst. Saba registered the above FIR in respect of an offence alleged to have taken place on 13.06.2021. She has alleged that she resides with her husband, mother-in-law and other family members and she has separate room and the mother-in-law as well as other house inmates including she herself take the valuable articles i.e. golden ornaments and cash amount inside the iron trunk after locking the same; if any of the house inmates desires to have cash amount, then she gave cash amount or golden ornaments by taking out from the iron trunk which was kept by her below the bed. It is alleged that she was fallen ill and on 13.06.2021 at about noon time, her siblings namely Mst. Anum Naaz and brother Imtiaz Ahmed came and said to her that they have come to know that her room was having spiritual effects and to eliminate such spirituality, the accused persons namely Mst. Anum and brother Imtiaz Ahmed will offer Nafl and the complainant trusted upon their sibling/accused and left them alone in the room; after 20/25 minutes, she saw that her sister Mst. Anum Naaz having purse and brother Imtiaz Ahmed having shopper rushed from the room of the complainant; the complainant did not suspect any foul play and the sister of the complainant Mst. Anum Naaz again came on the next day and went away; the complainant, during such episode, never bothered

to check out the iron trunk, as such no necessity arises. On 18.06.2021, father-in-law of the complainant asked her for Rs.800,000/-; she went to take such amount out from the said trunk where she saw that locks were lying in broken condition and found that golden ornaments 1) Bangles, Chain Locket, Earrings about 50 tola amounting to Rs.50,00,000/-, 2) Cash amount in shape of different denomination of Rs.50,00,000/- which were stolen by the sister and brother of the complainant; the complainant immediately got perplexed over such situation and narrated such facts to his husband, aunt Naeem Rajput and other house inmates and went at the house of the accused Mst.Anum and Imtiaz and asked them to return the stolen articles who consoled the complainant party for returning the same very soon but they have failed to return the same; thereafter, the complainant approached at the police station concerned where she lodged FIR against the accused persons for the commission of offence as stated above.

3. After full-fledged trial and hearing the parties, learned trial Court acquitted the private respondents vide impugned judgment dated 01.04.2023, hence, this criminal acquittal appeal.

4. Heard learned counsel for the appellant and perused the impugned judgment as well as the depositions available on record.

5. From perusal of the material available on record, it reflects that the impugned judgment was passed on 01.04.2023, whereas, the instant criminal acquittal appeal was filed in the month of March, 2024, same was delayed for 308 days. No explanation whatsoever for such delay has been furnished by the appellant. Record further reveals that earlier acquittal appeal was filed against the said judgment and the same was dismissed by this Court for non-prosecution vide order dated 16.02.2024 when at that time it was not admitted for regular hearing. It further reveals that no such application for condonation of delay has been filed, even the Limitation Act is not applicable in the cases of appeal against acquittal. Under these circumstances, the instant Criminal Acquittal Appeal being time barred is dismissed *limine*.

J U D G E

ARBROHI