

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
CrI. Acquittal Appeal No.D-07 of 2020.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection 'A'.
2. For orders on M.A.No.548/2020 (E/A)
3. For orders on M.A.No.551/2020 (Limitation Act)
4. For hearing of main case.

25.02.2020

Petitioner is present in person.

Through instant Criminal Acquittal Appeal, appellant/complainant Mst.Kouri Essani Mazari impugned the judgment dated 23.11.2019, passed in Sessions Case No.72 of 2019, arisen out of Crime No.213/2017, registered at Police Station Kashmore under sections 302, 34, PPC, whereby the learned Additional Sessions Judge, Kashmore acquitted the respondents NO.1 & 2 of the charge.

It is an admitted position that the impugned judgment was passed on 23.11.2019, while this Criminal Acquittal Appeal was preferred by the appellant/complainant on 4th February 2020, after about 02 months and 10 days, hence in view of Section 417 (2-A) of the Criminal Procedure Code, the same is time barred by about 38 days, even the time consumed in obtaining the certified true copy of the impugned judgment is excluded in terms of Section 12 of the Limitation Act, 1908 (the Act).

Considering the fact that the appeal is time barred, the appellant/complainant has filed M.A.No.551 of 2020 under section 5 of the Act, for the condonation of delay occurred in filing of the appeal. It is well settled principle of law that the provision of the Act would only be invoked if the special statute has not provided Limitation.

When the Criminal Procedure Code, 1898 has provided limitation of 30

days for filing of an appeal by a person aggrieved by the order of the acquittal passed by any Court other than a High Court then the provision of Limitation Act, 1908 cannot be invoked. Hence the said C.M.A is dismissed and, consequently, instant Criminal Acquittal Appeal is dismissed being time barred.


Judge
Judge