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ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Crl. Acquittal Appeal No.D-31 of 2012.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection as Flag 'A'.
2. For orders on M.A.No.1750/2012.
3. For Katcha Peshi.
4. For orders on M.A.No.1751/2012.

23.11.2016.

Mr. Safdar Ali Ghouri, advocate for the appellant.

Mr. Khadim Hussain Khooharo, D.P.G.

1 to 4. Through instant Crl. Acquittal Appeal, the appellant has assailed the order dated 26.10.2011, passed by the Special Judge, (Central), Hyderabad, in Sessions Case No.18 of 2011 (re: State v. Azhar Ali Shah) arisen out of Crime No.05/2011 registered at Police Station FIA Sukkur, under section 409, PPC R/w section 5(2), Act-II of 1947. The appellant filed this Acquittal Appeal on 03.07.2012 after more than eight months of passing of impugned order, hence admitting this position, the appellant has also filed M.A.No.1751/2012 under section 5 of the Limitation Act, for condoning the delay occurred in filing this appeal.

Learned counsel for the appellant submits that the appellant had no knowledge about the acquittal of respondent under section 249- A, Cr.P.C by the learned trial Court and very fact came to the knowledge of the appellant when he received notice for damages from the respondent. Learned counsel further submits that the delay in filing acquittal appeal was neither deliberate nor willful but due to fact that he had no notice of passing impugned order.

Appeal against acquittal can be filed by an aggrieved person within 30 days in view of Section 417(2-A) Cr.P.C. Section 5 of Limitation Act, is not applicable to appeal against acquittal in view of bar contained in Section 29(2)(a) & (b) of Limitation Act.

Needless to say that the complainant/appellant is expected to pursue his matter diligently and if he remains lethargic in pursuing his remedy, no premium can be given to him by condoning delay. Even otherwise law supports vigilant, not indolent. Therefore, this application being devoid of merits is dismissed, accordingly. In consequence thereof Crl. Acquittal Appeal being time barred is also dismissed.



Judge



Judge