

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
Cr. Acq. Appeal No.D-49 of 2022

Date	Order with signature of Judge
	1. For orders on MA No.1391/2022 2. For hearing of main case
<u>15-02-2024</u>	Mr. Rukhsar Ahmed Junejo, Advocate for the Appellant Mr. Ali Ahmed Khan, Advocate for the Respondents Mr. Aftab Ahmed Shar, Additional Prosecutor General .....

**Muhammad Iqbal Kalhoro, J:-** Learned counsel for the respondents at the very outset has taken the point of limitation and submits that this appeal is time barred as the same was filed after delay of 11 days of stipulated period. The judgment was announced on 01.08.2022 acquitting the respondents. The appellant/complainant therefore was required to file acquittal appeal within 30 days till 31.08.2022. Appellant on the contrary applied for obtaining a certified true copy of the judgment on 01.09.2022 and filed appeal on 12.09.2022 with the delay of 11 days.

The explanation, offered by learned counsel for the appellant in response is that the file was kept by the learned Presiding Officer in the Chamber and was released by him along with judgment later on. This explanation is hardly valid for bypassing limitation provided for filing the acquittal appeal. For the reason, the appellant was not stopped from applying for a certified true copy of the judgment within 30 days of its announcement, so that the limitation for filing the acquittal appeal could stop. It is well settled that delay of each day has to be explained. Here the appeal is time barred by 11 days but no explanation of each day has been put forth by the appellant. We therefore find the appeal time barred, dismiss it accordingly.

JUDGE

JUDGE