

# ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Acquittal Appeal No.274 of 2025

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Date: Order with signature of judge(s)

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1. For orders on M.A. No.5465/2025.
2. For orders on M.A. No.5466/2025.
3. For orders on office objection & reply of Adv. As flag 'A'.
4. For orders on M.A. No.5467/2025.
5. For hearing of main case.

**24.04.2025**

Mr. S. M. Khalid, advocate for appellants.  
Mr. Muhammad Mohsin Mangi, Asstt: P.G Sindh

**X-X-X-X-X**

1. Urgency granted.

2 to 5. Through this criminal acquittal appeal, the appellants has assailed the legality and propriety of the judgment dated 22.02.2025, passed by the Court of learned Judicial Magistrate in Direct Complaint No.02/2023, whereby learned trial court dispose of the complaint u/s 200 Cr.P.C and acquitted the accused/respondents by exercising the powers u/s 245(1) Cr.P.C.

As per record, the instant appeal has been preferred on 16.04.2025, with a delay of twenty-four (24) days from the statutory period of thirty (30) days prescribed for filing such appeal. Alongside the memo of appeal, the appellants have filed an application seeking condonation of delay; however, a perusal of the said application reveals that no plausible or sufficient cause has been assigned justifying the delay in filing the appeal.

It is a settled proposition of law that limitation prescribed for filing criminal acquittal appeals is mandatory in nature, and delay can only be condoned where the appellants satisfy the Court by showing sufficient cause. In the present case, the delay of 24 days remains unexplained in terms of legal sufficiency.

Even otherwise, perusal of the impugned judgment reveals that the learned trial Court rightly appreciated the evidence and found the ocular account furnished by the complainant and his witnesses to be vague, uncorroborated, and lacking in material particulars. None of the private

witnesses produced independent or documentary evidence to substantiate the allegations of criminal breach of trust or criminal intimidation. The alleged acts of misappropriation and threats were not proved through reliable testimony, nor was there any medical, documentary, or circumstantial support to bolster the complainant's version.

The findings of the trial Court are based on a proper appraisal of evidence and reflect no misreading or non-reading of record. It is settled law that in an appeal against acquittal, interference is warranted only when the impugned order is found to be arbitrary, perverse, or the view taken is wholly untenable, which is not the case here. The trial Court's conclusions are plausible and supported by the record. The appellants have failed to point out any miscarriage of justice or legal infirmity justifying interference in acquittal.

I am also not convinced with the arguments as advanced by learned Counsel for appellants on the ground that delay of each day in filing appeal must be reasonably explained as held in case of *Mst. Sirajun Munira v. Pakistan through Assistant Deputy Director Genera (Admn), Islamabad* reported as 1998 SCMR 785. Here in this Case application for special leave and its Affidavit is without any reason and the same is prepared in stereo type manner, as such each and every days delay has not been explained. Again, I am supported with the case reported as **2002 SCMR 1903**, wherein it has been held that defaulting party while applying for condonation of delay must explained and account for the delay of each day because on expiry of period of limitation, a valuable right has been created in favour of the other party. In the instant case, as observed above, each and every day delay has also not been explained in the application as well as in the affidavit and the grounds/explanation for filing appeal after expiry of limitation period are also not convincing. Learned Counsel for the appellants has not been able to satisfy this Court with regard to delay in filing this appeal, therefore, Miscellaneous Application No.5467/2025 being application for leave to appeal cum delay in filing of appeal is dismissed. Resultantly, this criminal acquittal appeal is also dismissed being time barred as well as on merits along with listed application(s).

**J U D G E**