

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Crl. Misc. Application No.S-397 of 2023**  
*(Ameer Hamza & others Vs. The State & others)*

<b>DATE OF HEARING</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For Orders on office objection.
2. For hearing of main case.

**27-11-2023.**

Mr. Anwar Ali Lohar, advocate for the applicant.

Mr. Aftab Ahmed Shar, APG, for the State.

Mr. Shabbir Ali Bozdar, advocate the private respondents.

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The applicants by way of instant Crl. Misc. Application have impugned the acquittal of the private respondents, which was recorded by way of compromise by learned IInd Additional Sessions Judge, Ghotki. It is stated by learned counsel for the applicants that the applicants were lawful and legitimate heirs of the deceased, they were not made party to such acquittal; therefore, it is to be examined by this Court, which is opposed by learned APG for the State and learned counsel for the private respondents by stating that the acquittal of anyone recorded by way of compromise or otherwise could only be impugned by preferring an acquittal appeal. When confronted with above, it was stated by learned counsel for the applicants that the acquittal appeal if now is filed would be time barred miserably. Conversely, it was stated by learned APG for the State and learned counsel for the private respondents that limitation in preferring an acquittal appeal could be condoned on disclosure of sufficient cause. Being faced with above, it was stated by learned counsel for the applicants that he would not press the disposal of instant Crl. Misc. Application before this Court on merits, provided the applicants are permitted to file an acquittal appeal. Consequently, the instant Crl. Misc. Application is dismissed as not pressed; however, the applicants subject to limitation, if any, may file an acquittal appeal, if it is permitted by law.

**Judge**

