

ORDER SHEET

HIGH COURT OF SINDH AT KARCHI

Cr. Acquittal Appeal No.06 of 2009

Order with signature of Judge

For orders on office objection and reply of Advocate at flagged A.

19.05.2009.

Mr. Hussain Bux, Special Prosecutor, NAB for the appellant/State.

Office has raised objection to the maintainability of the appeal on the ground of limitation as acquittal order was passed on 22.11.2008 and appeal has been filed on 26.03.2009.

Learned counsel admits that time to file an appeal against the order of Accountability Court is 10 days but submits that the copy was delivered to the department on 24.03.2009 and immediately, thereafter, appeal has been filed.

We have perused the inscription on the impugned judgment where it has been mentioned that copy was applied on 22.11.2008, cost was paid on same day while copy was made ready on 01.12.2008 but was delivered on 24.03.2009. In such a situation and keeping in view the limitation restriction, time to file an appeal is to be counted from the date when copy was made ready. The explanation of learned counsel that copy was delivered on 24.03.2009 has no force and it is the sweet-will of the appellant to receive the copy at any time but he should have been more vigilant, after paying the cost on 22.11.2008, to keep a contact with the office and to receive the copy, which has not been done therefore this appeal is time barred and is dismissed.

JUDGE

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