

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Acquittal Appeal No.S – 232 of 2019

Date	Order with Signature of Hon'ble Judge
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Fresh case

1. For orders on MA No.6223/2019 (U/A)
2. For orders on office objection at flag 'A'
3. For orders on MA No.6224/2019 (Ex.A)
4. For orders on MA No.6225/2019 (Leave application)
5. For hearing of main case

Chaudhry Kamran Ali Rajput associate of Chaudhry Shahid Hussain Rajput along with Appellant / complainant Muhammad Farooque

ORDER

AFTAB AHMED GORAR, J.- By filing instant Criminal Acquittal Appeal, the appellant/complainant has impugned judgment dated 23.12.2018, passed by learned Additional Sessions Judge, Ubauro, in Sessions Case No.92/2018, whereby the private respondents have been acquitted of the offence under Sections 395, 468, 471, 506/2, 147, 148 & 149 PPC arising out of Direct complaint filed by the appellant / complainant.

2. I have heard the learned counsel for the appellant / complainant and have gone through the record.

3. At the very out set a specific question was asked from the learned counsel for the appellant / complainant with regard to the delay in filing the instant Criminal Acquittal Appeal, as the

impugned judgment was passed on 24.12.2018, whereas, the instant appeal has presented in the office on 03.12.2019, after about the delay of more than one year. Learned counsel appearing for the appellant / complainant could not give any proper reply to such question of the Court. No such application under Section V of the Limitation Act has been filed by the learned counsel for the appellant / complainant. The record reveals that the appellant / complainant had applied for certified true copy on 02.01.2019, costs were paid on the same day and it was delivered to the appellant / complainant on 08.01.2019. No such reason has been given in the memo of instant Criminal Acquittal Appeal for filing the appeal after more than one year, nor had the appellant / complainant offered any explanation for such a long delay. It is well-settled that party, if seeking condonation of delay is required to explain the delay of each and every day and if a valid and convincing explanation of each and every day's delay is not submitted by him, he is not entitled to the discretionary relief of condonation. It is also well-settled that condonation cannot be sought as a matter of right. In the present case, the appellant / complainant did not comply with the above requirement of law

and the contents of the appeal do not show any reason for delay in filing the appeal by him before this Court.

4. In the above circumstances, I am of the view that the impugned Judgment passed by the learned trial Court does not require any interference by this Court. Consequently, the instant Criminal Acquittal Appeal is dismissed in limine being hopelessly time barred along with listed applications.

Judge

ARBROHI