

**IN THE HIGH COURT OF SINDH  
BENCH AT SUKKUR**

**Crl. Acq. Appeal No. S-78 of 2022**

Appellant : Faqeer Naimatullah Keerio,  
through Illahi Bux Jamali,  
Advocate.

Respondents : The State and others, though  
Imran Mobeen Khan, APG.  
Assistant Prosecutor General.

Date of Hearing : 13.11.2023.

**ORDER**

**YOUSUF ALI SAYEED, J.** - This Appeal impugns the Judgment rendered by the learned Civil Judge & J.M I, Mirwah on 29.06.2021 in Criminal Case No.51 of 2019, whereby the Respondents Nos. 2 and 3 were acquitted of the charge under S.337-F(v), 114, 34 PPC, with it being found by the trial Court that the prosecution had failed to satisfactorily establish that they had assaulted and injured the Appellant.

2. At the time of presentation of this Appeal on 11.06.2022, the office had raised an objection as to its maintainability in as much the same was apparently barred by limitation, having been filed with a delay of 316 days. No Application has been filed under Section 5 of Limitation Act, 1908.

3. Furthermore, it transpires that the Appellant had filed an earlier appeal in the matter, which was dismissed for non-prosecution, with it being it being stated in the Memo of Appeal that:

“Prior to this, the appellant/complainant had filed acquittal appeal bearing CrI.Acq.Appeal No. S – 75 of 2021 in this Honourable Court against the respondents/accused, which has been dismissed for non-prosecution vide order dated 20.5.2022; hence after dismissal of earlier appeal, second time this appeal is being filed.”

4. When confronted on these aspects, learned counsel for the Appellants conceded that no attempt had been made to seek restoration of the earlier appeal. Instead, he sought to conflate the period of limitation for purposes of the present appeal with the date of dismissal of the earlier matter, and argued that the appeal was within time as the period ought to be reckoned from that date (i.e. 20.05.2022) rather than the date of the judgment sought to be impugned. Such contention is found to be patently misconceived, and the captioned Appeal accordingly stands dismissed as being time barred.

J U D G E