

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Acquittal Appeal No.S-50 of 2024

Chakar Khan Rind.....Appellant
Versus.
Zakir Ali and another..... Respondents

None present for the appellant.

Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General for the State.

Date of hearing & Order: 04-02-2025

ORDER

RIAZAT ALI SAHAR J., Appellant Chakar Khan has assailed the impugned judgment dated 24.02.2024, passed by learned Civil Judge & Judicial Magistrate-II(MTMC), Khairpur, whereby the respondent No.1 was acquitted of the charge in Crl. Case No.28 of 2023, arising out of crime No.321 of 2022, registered at P.S.A-section, Khairpur, under section 489-F PPC.

2. On 17.04.2024, the appellant filed this appeal under section 417 (2-A), Cr.P.C and as per office endorsement, the same was filed with the delay of 23 days, for which no application has been filed in terms of section 5 of Limitation Act for condoning such delay. Since filing of this appeal, neither appellant nor his counsel has remained present before this Court.

3. However, a perusal of record reveals that impugned judgment was passed on 24.02.2024 and the appellant applied for certified copy

of said judgment on 06.04.2024, which was delivered to him on the same day and thereafter, appellant preferred instant appeal before this court on 17.04.2024. It is well settled principle of law that for maintaining this appeal, appellant has to explain each day's delay but he has failed and no application has been filed by him to condone such delay. It is also settled law that a party has to be so conscious and fully vigilant in respect of his relief and claim and in case of failure no one can be said to be responsible for his act and negligence. In case of failure, he cannot blame anybody else, inasmuch as, unawareness is not a ground of condonation of delay, even delay of one day has not been condoned in an acquittal appeal. In this regard, reliance is placed on the case of *Noor Hassan v. Muhammad Salim (1985 SCMR 893)*.

4. In the light of above legal and factual aspect of the matter, instant Crl. Acquittal Appeal being barred by 23-days is **dismissed** in *limine* along with pending application(s).

JUDGE