

ORDER SHEET  
IN THE HIGH COURT OF SINDHY, CIRCUIT COURT, LARKANA  
Cr. No. D-05 of 2014

DATE OF  
HEARING  
30.11.2016.

ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objections.
2. For orders on M. A. No.893/2014.
3. For Katcha Peshi.

Mr. Safdar Ali Ghouri, advocate for appellants.

Mr. Sardar Ali Shah, APG.

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This Criminal Acquittal Appeal is directed against the order dated 16.7.2013 passed by the learned Additional Sessions Judge, Kamber in Sessions Case No.417/2002 arisen out of Crme No.70/2002 registered at Police Station Nasirabad under Sections 302, 34, 109, 337-H(2), PPC, whereby the respondent No.1/accused, namely, Saeed Ahmed son of Abdul Haleem Kandhro was acquitted under Section 265-K, Cr.P.C.

The impugned order was passed on 16.7.2013 and this acquittal appeal was preferred by the appellants on 10.4.2014 and admitting that the instant appeal has been filed with delay of eight (08) months, miscellaneous application bearing No.893/2014 has also been filed by the appellants under Section 5 of the Limitation Act, 1905 for the condonation of delay in filing appeal. Since Section 5 of the Limitation Act is not applicable in appeal against acquittal under Section 417(2-A) in view of the bar contained in Section 29(2)(a),(b) of the Limitation Act, the miscellaneous application being not maintainable is hereby dismissed and in result the Criminal Acquittal Appeal is also dismissed being time barred.



  
JUDGE