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IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II,
ORAKZAI AT BABAR MELA

Criminal Appeal No:.....02 of 2019

Date of Institution.....11.06.2019

Date of decision.....01.07.2019

Lahore Bat Khan s/o Muhammad Janan r/o Injavar/Chanu District
Orakzai.....(Appellant)

VS

State(Respondent)

Order No. 05
01/07/2019

- Counsel for accused/Appellant present. Syed Amir Shah APP for the state present.

This order is intended to dispose of application for condonation of delay submitted by the appellant along with his appeal against the order dated 24/02/2017 of Assistant Political Agent Upper Orakzai vide which the appellant was convicted and sentenced u/s 121,121-A and 122 PPC read with 11/40 FCR to undergo 04 years RI and to pay fine of Rs. 50,000/-. In default of payment of fine accused will undergo further 06 months SI. Benefit of section 382-B Cr.P.C was extended to the accused.

The application submitted by the appellant for condonation of delay in filling the instant appeal was fixed for arguments.

Arguments of learned counsel for the appellant and APP for the state heard and record perused.

The record would reflect that the appellant was convicted and sentenced vide judgement dated 24/02/2017 of APA Upper Orakzai whereas the instant appeal has been filed by the appellant after more than 02 years of the judgment dated 24/02/2017 vide which the appellant was sentenced, therefore the instant appeal is hopelessly time bared. The appellant seeking the condonation of delay has to explain the delay of each and every day to the satisfaction of the court by advancing cogent and reasonable grounds.

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The appellant in his application for condonation of delay has sought the condonation on the ground that attested copies of the judgment was not supplied to the appellant due to which the appellant could not file the appeal in time, however the record would show that the copy of the judgment was provided to the appellant on 27/02/2017 through an application submitted by the appellant through his brother, therefore this ground raised by the appellant for condonation of delay is not supported by the available record nor it is sufficient to explain such prolong delay in filing the appeal. The delay could not be condone without giving reasonable explanation of such delay. The appellant could not explain the delay nor the appellant explain the circumstances beyond his control that prevented him to file the appeal therefore his application for condonation of delay is devoid of merits.

In view of the above discussion the application for condonation of delay is rejected and the instant appeal is dismissed being time bared. Record be returned to the quarter concern.

File be consigned to the Record Room after its necessary completion and compilation

Announced
01/07/2019



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela

SHAUKAT ALI
Addl: District & Sessions Judge-II,
Orakzai at Hangu