

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
Criminal Appeal No.S-11 of 2025

Appellant: Waqar Ali s/o Wazeer Khan.
Through Mr. Dilip Kumar Kolhi, advocate.

Respondent: The State.
Through Mr. Dhani Bakhsh Mari, A.P.G.

Complainant: Mst. Rizwana w/o Shafi Muhammad @ Karo.
Through Mr. Muhammad Sultan advocate.

Date of hearing: 11.02.2026.

Date of Order: 11.02.2026.

ORDER

Miran Muhammad Shah, J: By this order, I intend to dispose of compromise applications under sections 345(5) and 345(6) of the Criminal Procedure Code (M.A No.2520/ 2025 and M.A No. 2530/ 2025) in subject Jail Appeal, which is arising from the impugned judgment dated 08-03-2024 passed by learned Additional Sessions Judge-II, Tando Adam, in Sessions Case No. 981/ 2023 bearing Crime No. 177/ 2023 under sections 324, 337-F(ii), 504, 34 P.P.C, at P.S Tando Adam, whereby the appellant has been convicted and sentenced as under:

- (i) *For the offence punishable U/s 324 PPC, R.I for seven (07) years and fine Rs. 50,000/-. In default the convict is liable to suffer simple imprisonment for one month.*
- (ii) *For the offence punishable U/s 334 PPC Itlaf-i-Udw, R.I for Ten (10) years as Tazir. Offender is liable to pay one-half of the Diyat which becomes Rs. 33,78,951/- in lump sum. In default the convict is liable to suffer simple imprisonment for one year.*
- (iii) *For the offence punishable U/s 337-F(ii) PPC Ghayr-Jaifah Badiah, RI for three (03) years. Offender is liable to pay Daman amount of Rs. 30,000/-. In default the convict is liable to suffer simple imprisonment for one month.*

All these sentences mentioned above shall run concurrently. Since accused Waqar Ali is in jail from the date of his arrest on 02-11-2023 in this case, therefore, benefit of section 382-B Cr.P.C was extended to him.

2. During pendency of appeal, the parties have patched up outside the Court and filed compromise applications; which were referred to the trial Court to ascertain the genuineness of the compromise with direction that after completing legal formalities, return the same alongwith report vide order dated 21-01-2026. In compliance of such Order, the trial Court submitted his report dated 02-02-2026; an excerpt of said report is reproduced as under: —

“The statements of complainant Mst. Rizwana and injured Hassan Ali were recorded, wherein they have deposed that they have compromised with convict Waqar Ali s/o Wazeer Ali and co-accused Wazeer Ali s/o Vikyo Khaskheli, in the name of Almighty Allah and prayed for their acquittal. The compromise arrived between the parties is genuine.

3. In view of the above, the Assistant Prosecutor General also agreed to this compromise on the premise that the offence is compoundable and the complainant so also injured have sworn their affidavits whereby recorded no objection for the acquittal of the appellant.

4. Since all sections applied in this case are compoundable and the compromise arrived at between the parties on the very face of it appears to be genuine, without any undue inducement or pressure, hence application u/s 345(5) Cr.P.C is allowed, as such, the impugned judgment is set aside. Consequently, appellant namely Waqar Ali s/o Wazeer Khan is hereby acquitted under Section 345(6) Cr.P.C in above case/crime. The appellant is confined in Jail, therefore, release writ be issued with directions to the concerned Jail Superintendent to release the appellant forthwith if he is not required in any other case/crime.

5. In the above terms, instant Criminal Jail Appeal stands disposed of.

JUDGE