HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

Cr. Appeal No.S-290 of 2011

[Sartaj vs. The State]

Appellant	:	Sartaj S/o Muhammad Sharif Leghari **By Mr. Ashfaque Ali Abbasi advocate**
Respondent	:	The State **By Mr. Khalid Hussian Lakho D.P.G**
Complainant	:	Shafi Muhammad Leghari **By Mian Taj Muhammad Keerio advocate**
Date of hearing	:	02.10.2026
Date of decision	:	02.10.2026

O R D E R

***

JAWAD AKBAR SARWANA J:- The Appellant/convict Sartaj S/o Muhammad Sharif Leghari in this appeal, present in person, as he was too on the last hearing date, was convicted & sentenced vide judgment dated 19.09.2011 passed by the learned III[rd] Additional Sessions Judge, Dadu, in FIR No.414 of 2008 under Sections 324, 147, 148 and 149 PPC registered at P.S. Dadu as follows:

> **Section 324 PPC**: to suffer R.I for three years and pay Daman/compensation of Rs.10,000/- to complainant Shafi Muhammad
>
> **Section 337-F(iii) PPC**: to suffer R.I for one year and to pay Rs.3,000/- to injured PW Amanullah.
>
> In case of default in payment of Daman/compensation he had been ordered to suffer S.I for one month more. Both the sentences were ordered to run concurrently with benefit of Section 382-B PPC.

2. Learned counsel for the appellant states that he does not press the appeal on merits and instead he will be satisfied if the sentence given to the appellant is reduced to the one already undergone. He further states that the appellant has no past criminal record. Notwithstanding that the FIR, available at page-277, records that the injured person received injury on his left arm, which was also corroborated by the MLC, yet the charge framed in this matter, available at page-26, mentions that the complainant had been hit on the right arm and as such there is no mention of injury of right arm by the injured person Amanullah. Therefore, the charge frame is bad in law.

3. Learned Assistant D.P.G. as well as learned counsel for the complainant, while opposing the proposition put forward by the appellant's counsel, contended that the matter should be remanded back as the Charge framed is erroneous.

4. I have heard the learned counsels and perused the record. It appears that the appellant/convict has served nine (9) months of his sentence, and on 28.10.2011, this (High) Court also suspended his sentence; the appellant/convict has been on bail for the last 15 years. It is also apparent from the FIR that the injured person received injury on his left arm, which was also corroborated by the MLC, yet the charge framed in this matter mentions that the complainant had been hit on the right arm and as such there is no mention of injury to the right arm by the injured person Amanullah.

5. Twenty (20) years have passed since the commission of the crime. Accordingly, keeping in mind the aforesaid anomaly and the fact that the appellant/convict is repenting of his mistake and is the sole earner of his family, and also keeping in mind that family members of the appellant have suffered in this period, I am of the view that no meaningful purpose will be served by remanding the case to the trial Court; therefore, with the interests of justice having been met. Accordingly, while dismissing the appeal, the sentence awarded to the appellant is modified to one already undergone by him. The accused shall pay daman/compensation to the legal heirs of the injured/complainant within six (6) months of this Order, failing which, in default of payment of daman/compensation, the appellant-convict will be taken into custody until the daman/compensation amount for the legal heirs of the injured is paid up. Needless to mention, the surety shall continue in terms of the order dated 28.10.2011 until the daman/compensation amount is paid.

The appeal stands dismissed in the above terms.

JUDGE

Sajjad Ali Jessar