

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

Cr. Appeal No.S-12 of 2012

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on MA-10475/2022.
2. For orders on MA-10476/2022.
3. For hearing of main case.

18.11.2022

Mr. Muhammad Hassan Chandio, Advocate for appellants alongwith appellants (on bail).

M/s. Hameedullah Dahri and Abdul Rehman Dahri, Advocates for complainant a/w complainant Ali Sher Kalhoro.

Ms. Sana Memon, Assistant P.G.

ORDER

Through instant Criminal Appeal, appellants Yaqoob S/o Ghulam Chandio and Jaggan S/o Gul Sher Chandio have assailed the judgment dated 29.12.2011 passed by learned IIIrd Additional Sessions Judge, Shaheed Benazirabad in I.D Complaint No.69 of 2007 (Re: Ali Sher Kalhoro v. Yaqoob Chandio and others) whereby they have been convicted under Section 3(2) of Illegal Dispossession Act, 2005 and sentenced to suffer imprisonment of three years and to pay fine Rs.50,000/- each, in default thereof to suffer S.I for three months; however, with benefit of Section 382-B Cr.P.C.

During pendency of instant appeal, both the parties have filed listed applications alongwith respective affidavits and the contents of such affidavits are affirmed by them. Learned Counsel for the respondent / complainant namely Ali Sher Kalhoro have submitted that land in dispute has been handed over to complainant; therefore, the complainant with core of his heart has forgiven the appellants; therefore, have filed listed applications jointly and does not want to prosecute the appellants anymore. He; however, records no objection if listed applications are allowed and appellants are acquitted of the charge.

The appellants, who are present in person on bail, also submit that they have already put the complainant under peaceful and vacant possession of the land in suit and further they will not take law in their hands and will maintain harmony, peace and tranquility in the area. Hence, they submit that by granting listed applications the appeal may be disposed of and they may be acquitted of the charges.

Learned Assistant P.G Sindh present in Court waives notice of the listed applications and while placing her reliance upon the case of AKHTER HUSSAIN v. STATION HOUSE OFFICER SACHAL KARAH I and 02 others reported in 2020 P.Cr.LJ Note 20, records her no objection, if listed application are granted.

Since the possession of land in dispute has been handed over to respondent/complainant; therefore, the complainant does not want to prosecute appellants anymore; hence, he has entered into compromise with the appellants; therefore, has raised no objection for grant of listed applications as well disposal of the appeal accordingly. Learned A.P.G has also extended her no objection.

In view of above, it is observed that compromise entered into between the parties appears to be genuine, lawful and without any pressure or coercion from any side and that complainant has voluntarily forgiven the appellants / accused. Therefore, keeping in view the cordial relations between the parties in future, the compromise application under Section 345(2) Cr.P.C is hereby granted and application under Section 346(6) Cr.P.C is accepted. Consequently, impugned judgment dated 29.12.2011 is set aside and resultantly appellants are acquitted of the charges. They are present on bail; their bail bonds stand cancelled and surety(ies) is / are hereby discharged.

In view of above, instant Criminal Appeal No.S-12 of 2012 is disposed of accordingly.

JUDGE

Shahid

