

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

Cr. Appeal No.S-57 of 2011

| DATE | ORDER WITH SIGNATURE OF JUDGE(S) |
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| 1. For orders on MA-12496/2022. | |
| 2. For orders on MA-12497/2022. | |
| 3. For hearing of main case. | |

23.12.2022.

Mr. Nadir Hussain Jamali, Advocate for appellants.
Mr. Faiz Muhammad Chandio, Advocate for complainant.
Mr. Shahid Ahmed Shaikh, Additional P.G.

ORDER

Through instant appeal, appellants have assailed the judgment dated 03.02.2011 passed by learned IIIrd Additional Sessions Judge, Dadu in Sessions Case No.564 of 2008 (Re: The State v. Ghulam Hyder @ Gulab and others) arising out of Crime No.10 of 2008 of P.S Gaji Shah, under Sections 324, 337-A(i), 337-A(ii), 337-F(i), 504, 147, 148, 149 PPC, whereby they have been convicted and sentenced on different counts as mentioned in Point No.3 of the impugned judgment.

The appellants Gul Hassan, Manzoor, Loung, Umaid Ali, Muhammad Ali S/o Umaid Ali, Ahmed Ali, Imam Ali, Moula Bux, Ghulam Shabir, Buxial, Muhammad Ali S/o Niaz Ali are present on bail alongwith their Counsel Mr. Nadir Hussain Jamali, who has filed Vakalatnama on their behalf. The injured Muhammad Yousuf and Basar are present; whereas injured Gahi and Nazar Muhammad are not in attendance today as they are stated to be out of province and are not traceable. The injury sustained by them have been declared by M.L.O to be punishable under Section 337-F(iv) and 337-L(ii) PPC. The role of causing injury to injured PW Gahi was assigned to appellant Umaid Ali; therefore, he is directed to pay Daman amount of Rs.2000/- to injured Gahi; whereas, the role of causing injury to injured PW Nazar Muhammad was assigned to appellant Ghulam Shabbir and

the injury allegedly sustained by Nazar Muhammad comes within the ambit of other parts; therefore, appellant Ghulam Shabbir is directed to deposit Rs.1000/- as Daman to injured Nazar Muhammad.

Learned Counsel for complainant submits that complainant as well injured with core of their heart have forgiven the appellants; hence, they have filed compromise applications jointly and does not want to prosecute the appellants anymore. Learned Counsel for complainant; however, under instructions records no objection if these applications are allowed and appellants are acquitted of the charge.

Learned Additional P.G Sindh, who is present in Court in connection with other cases, waives notice of the compromise applications and extends no objection if compromise effected between the parties is accepted and appellant is acquitted from the charge.

On query of the Court, complainant / injure named above have stated in open Court that they have voluntarily entered into compromise with the appellants / accused due to intervention of *Nek Mards* of the locality and as such they have forgiven the appellants in the name of "*Allah almighty*". They further state before the Court that they do not claim any compensation from the appellants in lieu of this compromise, subject to payment of Daman amount as stated above. They; however, have recorded no objection, if the compromise effected between them is accorded and appellants / accused are acquitted of the charges.

In view of above, it is observed that compromise effected between the parties appears to be genuine, lawful and without any pressure or coercion from any side and that complainant / injured are lawfully competent to waive their right of Daman, if any, and voluntary forgive the accused; therefore, in view of cordial relations as well peace and tranquility between the parties in future, the compromise application under Section 345(2) Cr.P.C is hereby granted. Resultantly, all the appellants are acquitted of the charge under Section 345(6) Cr.P.C. Appellants are present on bail; their bail bonds stand cancelled and surety(ies) is/are hereby discharged; however, subject to payment

of Daman amount by appellants Ghulam Shabbir and Umaid Ali which they have deposited in the office of this Court today vide Receipt No.482 dated 23.12.2022.

Appeal stands disposed of in above terms.

JUDGE

Shahid