

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

Cr. Appeal No.S-51 of 2011

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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| 1. For orders on MA-12494/2022. | |
| 2. For orders on MA-12495/2022. | |
| 3. For hearing of main case. | |

23.12.2022.

Mr. Faiz Muhammad Chandio, Advocate for appellants.
Mr. Nadir Hussain Jamali, 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.563 of 2008 (Re: The State v. Sulleman and others) arising out of Crime No.09 of 2008 of P.S Gaji Shah, under Sections 324, 337-A(i), 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 Muharram Ali, Gulab, Ibrahim, Mehar, Kehar alias Bhutto, Yar Muhammad, Basar Khan, Yousif are present on bail alongwith their Counsel Mr. Faiz Muhammad Chandio, whereas appellants Muhammad S/o Khamiso is stated out of country; therefore, is not in attendance; however, appellant Allah Rakhio has expired. The injured Gul Hassan, Loung, Umed Ali, Imam Ali and Moula Bux, Buxial are also present and have extended no objection for grant of listed applications as well acquittal of the appellants/accused by way of compromise. As far as injured Muhammad Ali is concerned, his father namely Umed Ali, who is also injured and is complainant of this case, is present and submits that Muhammad Ali has also entered into compromise with the appellants; therefore, he will have no objection for acceptance of the listed applications. The affidavits

sworn in by the injured in respect of compromise are hereby taken on record. Since the appellants Muhammad S/o Khamiso is out of country; however, it is settled law that in compoundable offence, if the victim, injured or any aggrieved person may enter into compromise and raises no objection for acquittal of the absconder, then there is no legal impediment which may forbid in entering to compromise against absconder. In this appeal, appellant Muhammad S/o Khamiso is out of country; however, injured and victim of crime are present and have extended their no objection in favour of appellants including appellant Muhammad S/o Khamiso.

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 appellants are acquitted from the charge.

On query of the Court, complainant / injured 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. 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 (including appellant Muhammad S/o Khamiso) 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.

Appeal stands disposed of in above terms.

JUDGE

Shahid