

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

Criminal Appeal No.S-114 of 2009

For order on MA No.10686/2019.

For order on MA No.2036/2021.

For order on MA No.2037/2021.

For hearing of case.

Appellants: Muhammad Taufique @ Taufique, Muhammad Atique @ Atique and Muhammad Imran @ Imran are present on bail.

Appellant Muhammad Ashraf @ Ashraf @ Bholo has expired and proceedings against have already been abated.

Respondents: The State through Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Date of hearing: 01.09.2022.

Date of Decision: 01.09.2022.

J U D G M E N T

Amjad Ali Sahito, J. In terms of impugned judgment dated 28.07.2009, passed by the learned trial Court / IVth Additional Sessions Judge, Hyderabad in crime No.114 of 2002, under sections 324, 34 PPC registered at PS Pinyari, the appellant Toufique was convicted for the offence under sections 337-D, PPC and sentenced to suffer R.I. for four years and to pay Arsh in sum of Rs.10,000/- to injured PW Aslam months; appellant Ashraf @ Baoloo (expired) was convicted for the offence under section 337-A (i) PPC and sentenced to suffer R.I. for one year and to pay Daman of Rs.2000/- to PW Junaid; appellant Attique was convicted for the offence under section 337-A (ii) PPC and sentenced him to suffer R.I. for one year and to pay Daman of Rs.2000/- to injured Aslam and appellant Imran was convicted for the offence under section 337-F (i) PPC and sentenced him to suffer for one year and to pay Daman of

Rs.2000/- to injured Aslam. However, appellants were extended benefit of section 382-B Cr.P.C.

2. During pendency of instant appeal, complainant Naimat Ali Qaimkhani and injured Muhammad Aslam died. However, parties have entered into compromise due to intervention of nekmards and filed such applications, which are supported by the affidavits of injured Junaid duly verified by NADRA. The injured Junaid has stated that he has forgiven the appellants in the name of almighty ALLAH and does not claim anything from the appellants, in lieu of compromise, therefore, has no objection for acquittal of the appellants. The compromise applications are also supported with the affidavits of appellants.

3. Learned A.P.G. Sindh appearing on behalf of State contends that she has no objection for acquittal of the appellants in view of compromise arrived at between parties.

4. Since the complainant and injured Muhammad Aslam have already expired and there remains only injured Junaid, who has extended his no objection for acquittal of the appellants on account of settlement due to intervention of nekmards of the vicinity in order to keep cordial relations. The offence is compoundable and learned A.P.G. Sindh has extended no objection. In such circumstance, the impugned judgment is set aside and the compromise between the parties is accepted and 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 discharged. The office shall return surety papers to the surety [-ies] after proper verification and identification.

5. Instant Criminal Appeal preferred against the impugned judgment stands disposed of. Office is directed to return R&Ps of the case to the learned trial Court. The listed applications stand disposed of.

JUDGE