

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Appeal No. 774 of 2019

DATE

ORDER WITH SIGNATURE OF JUDGES

1. For order on M.A. No. 15050/2022
2. For order on M.A. No. 15051/2022
3. For hearing of Main Case
4. For hearing of M.A. No. 914/2020
5. For hearing of M.A. No. 915/2020
6. For hearing of M.A. No. 916/2020

12.05.2023:

Mr. Anas Siddiqui Advocate for the Appellant
Mr. Abrar Ali Khichi, APG

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Ashfaq Ahmed, the Appellant was nominated accused in FIR No. 1 of 2014 registered under section 320, 337-G, 427 PPC at the Dock Police Station, in Karachi. After a full dressed trial on 01.11.2019, the learned 10th Additional Sessions Judge, Karachi West found the appellant guilty of an offence under Section 320 PPC and sentenced him to pay Diyat amount to the legal heirs of deceased. Learned trial Court also found the appellant guilty for an offence under section 337-G PPC and sentenced him to 5 years imprisonment and also directed him to pay an amount of Rs.500,000/- as Daman to the injured in the event he did not pay Daman amount he would have to undergo simple imprisonment for a further time of one year.

2. The judgment of the learned trial Court was challenged through this criminal appeal. During pendency of this appeal the parties have reached the settlement and the injured and legal heirs of the deceased compounded the offence and forgiven the appellant as well as waived their right of Diyat. Accordingly, application (M.A. No. 15050/2022) was filed seeking permission of this Court to compound the offence. I notice that the application has been filed under section 345 (2) Cr.P.C. although during pendency of the appeal in the High Court it should

have been filed under section 345 (5) Cr.P.C. Office should correct this error with Red ink. Simultaneously, application (M.A. No. 15051/2022) filed under Section 345(6) Cr.P.C. seeking acquittal of the Appellant on the ground of compromise on 02.02.2023 directed the learned trial Court to conduct an inquiry into the compromise and report whether the same is genuine or not. The learned 10th Additional Sessions Judge, Karachi West on 26.04.2023 has filed his report which reflects that the compromise is genuine and that the persons claiming to be the legal heirs are indeed the legal heirs of the deceased.

In view of the above, there appears to be no impediment in allowing the application under Section 345(5) Cr.P.C. which is accordingly allowed. Learned Additional P.G. submits that the offence complained off is a compoundable offence and as the learned trial Court has found the compromise to be genuine, he does not have any objection to the compromise. Accordingly, application under section 345(6) Cr.P.C. is also allowed. The appellant is acquitted under section 345 (6) Cr.P.C.

Appeal disposed of in above terms along with listed applications.

J U D G E

