

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

Criminal Appeal No.S-67 of 2023

For order on MA No.4910 / 2023

For order on MA No.4911 / 2023

For order on MA No.4912 / 2023

Appellant: Ladhu Singh, Chatar Singh, Tejmal, Chehan Singh and Bhoorji through Mr.Ayaz Khaskheli, Advocate.

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

Complainant: Kanwar Singh through Mr. Preetpal Singh Sodho, Advocate.

Date of hearing: 26.05.2023.

Date of Decision: 26.05.2023.

**J U D G M E N T**

**Amjad Ali Sahito, J.** Learned trial Court / Additional Sessions Judge-II, Tharparkar @ Mithi convicted appellants in crime No.62/2020, registered at PS Islamkot for the offences under sections 324, 147, 148, 149, 114, 506 (ii), 427, 337-A (ii), 337-A (i), 337-F (i), 337-L (ii) PPC in the following manner:-

*Accused Tejmalsingh son of Sanbhusingh for committing offence punishable U/S 337-A(ii), P.P.C. but keeping in view that it is not proved by the prosecution that the accused is hardened criminal or any record is available regarding his previous conviction; and also considering that in this case qisas is not executable, keeping in view the principles of equality in accordance with the injunctions of Islam; therefore, convict Tejmalsingh is only sentenced to pay arsh which shall be five percent (5%) of diyat viz. of Rs.215926.2/- for causing wound on the head of injured Sanbhusingh and thereby committing the offence U/S 337-A(ii),P.P.C. He is directed to pay the total amount of arsh viz. Rs.215926.2/- at once as per this judgment to the injured Sanbhusingh, and in case of default he be taken in custody and remanded to jail to undergo simple imprisonment until he pays the amount of arsh to the injured Sanbhusingh.*

*Accused Chatarsingh son of Sanbhu, Tejmalsingh son of Sanbhusingh and Chehnsingh son of Ladhosingh are convicted for committing the offence U/S 337-A(i) to pay Rs.10,000/- as Daman for injured towards expenses incurred on treatment of said injured as provided U/S 337-Y(a) P.P.C and to suffer imprisonment for two years as Ta'zir.*

*Accused Chehnsingh son of Ladhosingh is also convicted U/S 337-F(i) PPC for causing injuries to victim/injured Madansingh, to pay Rs.5,000/- as Daman towards expenses incurred on treatment of victim as provided U/S 337-Y(a) P.P.C and to suffer imprisonment for one year as Ta'zir.*

*Accused Chatarsingh son of Sanbhu and Bhoorji son of Jetho are also convicted for offence u/s 337-L(ii) PPC for causing hurt to injured Mehtabsingh and Bhoopatsingh to suffer imprisonment for one year.*

*Accused Ladhosingh son of Jethoji for committing offence punishable u/s 114 PPC to suffer R.I for one year.*

*All the sentences mentioned supra shall run concurrently and benefit of section 382-B Cr.P.C is extended to all accused persons.*

Against their conviction and sentence, the appellants preferred instant Criminal Appeal.

**2.** During pendency of instant appeal, the complainant and injured have entered into compromise with the appellants and settled their dispute outside the Court on the intervention of notable persons of locality and the complainant and injured have pardoned/forgiven the appellants in the name of almighty Allah without any fear, force and with freewill and do not claim Arsh/Daman amount. The parties have also filed such applications under sections 345 (2) Cr.P.C. and 345 (6) Cr.P.C. supported with the affidavits of complainant Kanwarsingh, injured Sambhosingh, Madansingh, Mehtabsing, and Bhopatsing duly verified by the NADRA.

**3.** Complainant Kanwarsingh [CNIC # 44305-0345612-9] and injured namely, Sambhosingh [CNIC # 44303-4562554-3], Madansingh [44305-0371942-9], Mehtabsing [CNIC # 44305-0345834-5] and Bhopatsing [CNIC # 44303-9774468-1] present in person have reiterated their affidavits filed in support

of compromise applications and admitted the contents thereof and their signatures to be correct and genuine. Learned counsel for complainant as well as A.P.G. have contended that the offence is compoundable and they have raised no objection for acceptance of the compromise between the parties on the ground that for future cordial relations and betterment.

**4.** Heard and perused the record.

**5.** The offences with which the appellants are convicted and sentenced are compoundable. The complainant and injured persons have stated that out of their freewill on the intervention of nekmards of the locality in order to keep peace and good relations they have entered into compromise and forgiven/pardoned the appellants and do not claim anything including Ars/Daman amount in lieu of compromise. They have raised no objection for acceptance of the compromise and acquittal of the appellants. There is also no objection raised by the learned counsel for complainant and learned A.P.G. Sindh. As a result what has been stated above, the compromise between the parties appears to be without pressure or coercion, as such, permission to compound the offence is accorded and impugned judgment is set-aside. Consequently, the appellants are acquitted of the charge under section 345 (6) Cr.P.C. Appellants are confined in Central Prison, Hyderabad. They shall be released forthwith, if not required in any other custody case.

**6.** With above modification, instant Criminal Appeal preferred against the impugned judgment is disposed of along with listed applications.

JUDGE