

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

Criminal Appeal No.S-102 of 2017

Appellant: Muhammad Mandhro through Mr. Ahsan Gul Dahri, Advocate.

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

Complainant: Mumtaz Ali through Mr. Fayaz Ali Talpur, Advocate.

Date of hearing: 16.05.2023.

Date of Decision: 16.05.2023.

J U D G M E N T

Amjad Ali Sahito, J. Learned trial Court / 2nd Additional Sessions Judge, Badin convicted appellant Muhammad Mandhro for the offence under section 337-F (iii), 337-F (v) PPC and was sentenced to suffer R.I. for two years and three years with order to pay daman of Rs.20,000.00 and Rs.30,000.00 respectively. The sentences were ordered to run concurrently. Against his conviction, the appellant preferred instant Criminal Appeal.

2. Today, the learned counsel for the parties contended that the appellant, complainant and injured have entered into compromise and settled their dispute outside the Court on the intervention of notable persons of locality and the complainant and injured have pardoned/forgiven the appellant in the name of almighty Allah without any fear, force and with freewill and do not claim 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 appellant and complainant Mumtaz Ali, injured Mahboob Ali as well as appellant Muhammad Mandhro duly verified by the NADRA. Office is directed to number the aforementioned applications.

3. Complainant Mumtaz Ali [CNIS # 41101-9276035-9] and injured Mahboob Ali [CNIC # 41101-1038087-9] 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 offence with which the appellant is convicted and sentenced is compoundable. The complainant and injured both 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 appellant and do not claim anything including Daman amount in lieu of compromise. They have raised no objection for acceptance of the compromise and acquittal of the appellant. 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 appellant is acquitted of the charge under section 345 (6) Cr.P.C. Appellant is present on bail. His bail bonds stand cancelled and surety discharged. Office is directed to return the surety papers to the surety in person after proper verification and identification.

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

JUDGE