

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

Criminal Appeal No.S-188 of 2022

Appellants: Muhammad Bachal and Hussain Bukhsh
through M/s. Agha Ghulam Abbas and
Mazhar Lashari, Advocates.

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

Date of hearing: 19.04.2023.

Date of Decision: 19.04.2023.

J U D G M E N T

Amjad Ali Sahito, J. Through instant appeal, the appellants challenged the impugned judgment dated 15.10.2022, passed by learned trial Court/II-Additional Sessions Judge, Hyderabad in crime No.105/2021 for the offence under section 324, 337-A (i), F(i), 337-D, 379, 504, 147, 148, 149 PPC registered at PS Hatri, Hyderabad in S.C No.774/2021 [Re-The State v. Gul and others], whereby the appellants were convicted for the offense under sections 337-A (i), 337-F (i), 337-D, 324 PPC and sentenced in the following manner:-

“Accused Muhammad Bachal Lashari is convicted and sentenced to pay daman of Rs.10,000/- per injury for three injuries caused by him to PW Maaz falling within the definition of Shujjah-i-Khafifah u/s 337-A (i) PPC and Ghayr Jaifah Damihah u/s 337-F (i) PPC and in addition to suffer R.I. for six months for each injury. He is also convicted and sentenced to suffer R.I. for six months and to pay fine of Rs.20,000/- for the charge u/s 504 PPC. In case of default, he would suffer S.I. for one month.

Accused Hussain Bux Lashari is convicted and sentenced to pay daman of Rs.10,000/- for one injury caused by him to PW Salman falling within the definition of Ghayr Jaifah Damihah u/s 337-F (i) PPC and in addition to suffer R.I. for six months for such injury. He is also convicted and sentenced to pay Arsh being 1/3rd of the Diyat amount for one injury caused by him to PW Salman falling within the definition of Jurh-e-Jaifah u/s 337-D,

which comes to Rs.1,420,401.00 (Rupees fourteen lac twenty thousands, four hundred and one) as per notification dated 14.07.2021 issued by the Government of Pakistan, Finance Division (Internal Finance Wing) for the financial year 2021-2022 and in addition to suffer R.I. for two years. Accused Hussain Lashari is also convicted and sentenced to pay daman of Rs.10,000/- per injury for two injuries caused by him to PW Sufiyan falling within the definition of Ghayr Jaifah Damihah u/s 337-F (i) and in addition to suffer R.I. for six months for each injury. Accused Hussain Bux is also convicted and sentenced for the offence punishable u/s 324 PPC to suffer R.I. for two years and with fine amount of Rs.50,000.00 (Rupees fifty thousand). In case of default to pay fine, the accused shall suffer S.I. for further term of two months.”

2. Jail Roll dated 08.04.2022 called from Senior Superintendent, Central Prison, Hyderabad reflects that the appellants have served out entire sentence and they are only confined in Jail for want of payment of arsh/daman/diyat amount.

3. Learned counsel for the appellants states that the appellants are very poor persons and requested for reduction of daman amount to be paid by appellant Muhammad Bachal from Rs.30,000.00 (Rupees thirty thousand) to Rs.10,000.00 (Rupees ten thousand only) and he is ready to deposit the same. Learned counsel further states that so far arsh/daman/diyat amount to be paid by the appellant Hussain Bukhsh is concerned, he requested that the appellant being poor person is not able to deposit the same at once, as such, he may be allowed to deposit the same viz. in lump sum Rs.1,400,000.00 (Rupees fourteen lacs only) in easy 60 monthly installments, each monthly installment of Rs.23,300.00 (Rupees twenty three thousand and three hundred only). Learned counsel has also placed on record the schedule for payment of installments.

4. Learned A.P.G. Sindh has not objected the request made by the learned for the appellants.

5. In view of the above facts and circumstances, the request so made is allowed. As at the direction of this Court, reduced amount of Rs.10,000.00 has been deposited with the Accountant of this Court on behalf of appellant Muhammad

Bachal, therefore, appellant Muhammad Bachal is ordered to be released forth with if he is not required in any other custody case. The Accountant shall hand over the said daman amount to injured Maaz after proper verification and identification.

6. The appellant Hussain Bukhsh is allowed to deposit the arsh/daman/diyat amount in lump sum Rs.1,400,000.00 (Rupees fourteen lacs only) in easy 60 monthly installments, each monthly installment of Rs.23,300.00 (Rupees twenty three thousand and three hundred only). The appellant Hussain Bukhsh shall be released forthwith if he is not required in any other custody case, subject to deposit of 1st installment as per schedule with the Accountant of this Court and furnishing a solvent surety in the sum of Rs.1,400,000.00 (Rupees fourteen lacs only) and PR bond in the like amount, to the satisfaction of Additional Registrar of this Court. As soon as, the installment(s) in respect of arsh/daman/diyat amount is deposited with the Accountant of this Court, he shall hand over the same to injured persons; viz. injured Salman and only Rs.20,000.00 (rupees twenty thousand) to injured Sufiyan, after proper verification and identification.

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

JUDGE