

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Appeal No.S-251 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
-------------	---

For hearing of main case.

16.12.2022.

Mr. Altaf Ahmed Shahid Abro, Advocate for appellants
alongwith appellants (on bail).

Mr. Muhammad Sachal Awan, Advocate for complainant
alongwith complainant/injured.

Mr. Abdul Waheed Bijarani, Assistant P.G.

ORDER

Through instant appeal, appellants have called in question the judgment dated 08.11.2018 handed down by learned IInd Additional Sessions Judge, Shaheed Benazirabad, vide Sessions Case No.606 of 2013, arising out of Crime No.129 of 2013 of P.S Lakhat under Sections 324, 337-D, 337-F(ii), 337-H(ii), 504, 427, 114, 147, 148 PPC, whereby they have been convicted and sentenced to suffer R.I for five years and to pay Arsh of Rs.50,000/- to be paid to injured, in default whereof, to suffer S.I for one year more. Besides, appellants Allah Ditto and Hussain Bux have been convicted for offence under Section 427 PPC and to suffer R.I for six months and to pay fine of Rs.50,000/- each, in default, to suffer three months imprisonment. However, benefit of Section 382-B Cr.P.C has been extended to them.

Today, complainant / injured namely Muharram Jatoi is present and submits that he has compromised with the appellants in the name of “*Almighty Allah*” and to this effect he has filed application/statement alongwith Affidavit sworn in by him, which is hereby treated as an application under Section 345(2) Cr.P.C and is taken on record.

Learned Assistant P.G Sindh, who is present in Court in other matters, waives notice of the compromise application and extends no objection if compromise effected between the parties is accorded and they are acquitted for the charges.

On query of the Court, complainant / injure named above has stated in open Court that he has voluntarily entered into compromise with the appellants / accused due to intervention of *Nek Mards* of the area and as such he has forgiven the appellants in the name of “*Allah almighty*”. He further states before the Court that he does not claim any compensation from the appellants in lieu of this compromise. He; however, has recorded his no objection, if the compromise entered into between them is accorded and appellants / accused are acquitted of the charge.

In view of above, it is observed that compromise entered into between the parties appears to be genuine, lawful and without any pressure or coercion from any side and that complainant / injured is lawfully competent to waive his right of Daman and Arsh, if any, and voluntary forgive the accused; therefore, in view of cordial relations as well peace and tranquility between the parties in future, the compromise application under Section 345(2) Cr.P.C is granted. Consequently, appellants are acquitted of the charges. They are present on bail; their bail bonds stand cancelled and surety(ies) is/are hereby discharged.

Appeal stands disposed of in above terms.

JUDGE

Shahid