

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Appeal No. S- 153 of 2011.

Date of hearing	Order with signature of Judge
07.01.2019.	

For hearing of main case.

Mr. Ali Nawaz Ghangro, Advocate for appellant.

Mr. Abdul Rehman A. Bhutto, Advocate for son of complainant.

Raja Imtiaz Ali Solangi, A.P.G.

The appellant is present (on bail).

At very outset learned counsel for the appellant submits that possession of the disputed premises, in compliance of the impugned judgment, has been surrendered by the appellant and handed over/ restored to the legal heirs of the complainant; as such he seeks disposal of the appeal.

Learned counsel appearing on behalf of son of complainant (who is reportedly expired), affirms above contention of learned counsel for appellant and extends his no objection for disposal of the appeal. Learned A.P.G. appearing for the State also extends no objection to disposal of appeal.

Since, legal heirs of complainant/ respondent (deceased) have categorically stated through their counsel for non-pursuing the case, as according to them, their grievance stand ventilated and possession of disputed property has been restored to the legal heirs of complainant/ respondent (deceased).

As, possession of the disputed property has been restored to the legal heirs of the complainant/ respondent (deceased), the impugned judgment stands complied with. Moreover, the legal heirs of the complainant/ respondent do not want to pursue the matter anymore.



No doubt, there is no specific provision, provided by the legislature under Illegal Dispossession Act, 2005, for compromise, but when the parties, particularly the aggrieved party, does not want to prosecute the appellant/ accused or pursue their case, in such a situation, there is no option but to acquit the appellant/ accused of the charges except the surrender of the possession of the disputed land to the complainant. In this regard, reference can be had from the case of *ASHIQUE SOLANGI and another v. The State (PLD 2008 Karachi 420)*.

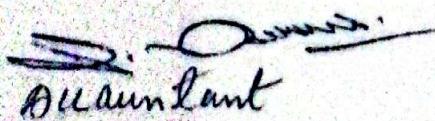
Accordingly, the impugned judgment is partly maintained to the extent of restoration of possession of disputed land bearing survey No.382, area (01-32) acres situated in Deh Unar to legal heirs of the complainant/ respondent (which has already been restored), and it is set-aside for rest of the sentences including fine and compensation. The appellant is present on bail; his bail bond stands cancelled and surety discharged.



JUDG

Ahsari/*

Above order complied
on Date 14-01-2019


Accountant