

(123)

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO
Crl. Appeal No.S-04 of 2023.

Date _____ Order with signature of Judge _____

1. For orders on officer objection 'A'.
2. For orders on M.A.No.1676/'2023.
3. For orders on M.A.No.1677/2023.
4. For hearing of M.A.No.82/2023.
5. For hearing of main case.

27.10.2023.

Mr. Asif Ali Abdul Razak Soomro, advocate for the appellant.

Mr. Imran Mobeen Khan, Asstt. P. G Sindh.

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1 to 5. Appellant Jabbar son of Arbab Gopang was charged and tried by the learned Ist Additional Sessions Judge (MCTC), Shikarpur, in Sessions Case No.241 of 2008 re-State v. Asghar and others, based upon F.I.R No.61/2008 of PS New Foujdari for offence punishable under sections 324, 452, 337-A(i), F-(iii), F-(v), PPC and on conclusion of trial he was convicted and sentenced along with accused Akbar Ali son of Ali Muhammad as under :

The accused Akbar Ali and Jabbar are convicted for offence punishable u/s 324, PPC R/w Section 34, PPC and sentenced to undergo for R.I for ten years and to pay fine of Rs.50,000 each and in case of failure, thereto they shall suffer further S.I for three months more.

The accused Akbar and Jabbar are also convicted for offence punishable u/s 337-A(i) PPC to suffer R.I for two years each and to pay daman of Rs.5,000/- each and in case of failure, thereto, they shall suffer further SI for one month more.

The accused Akbar Ali and Jabbar are also convicted for offence punishable u/s 337-F(iii) PPC and sentenced to undergo R.I for three years and to pay daman of Rs.15,000/- each and in case of failure thereto, they shall suffer further SI for one month more.

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The accused Akbar Ali and Jabbar are also convicted for offence punishable u/s 337-F(v) PPC and sentenced to undergo R.I for five years and to pay daman of Rs.20,000/- each and in case of failure, thereto, they shall suffer further SI for one month more.

The appellant Jabbar Gopang filed appeal before this Court against the judgment of his conviction. However, during pendency of the appeal, the appellant entered into compromise with the complainant and injured victim. Both parties i.e. the appellant, complainant Qadir Bux and injured victim Mst Allah Bachayee w/o Wali Muhammad have filed their applications and affidavits on 16.03.2023 for according permission to them to compound offence and for acquitting the appellant/accused Jabbar Gopang by accepting such compromise.

Complainant and injured victim in their applications have stated that they have entered into compromise with the appellant on the Holy Quran on the intervention of Nekmards, hence they have forgiven the appellant and do not claim any compensation, Arsh or Daman etc. They have also stated that they have no objection, if the appellant **Jabbar Gopang is acquitted of the charge in terms of compromise.**

In view of above position, permission under Section 345(5), Cr.P.C to compound the offence is accorded to the parties. As a result whereof, the compromise between the parties is accepted and the appellant **Jabbar Gopang is acquitted under Section 345(6), Cr.P.C. He shall be released forthwith if not required in any other custody case.**

Instant appeal is disposed of in terms of compromise.

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